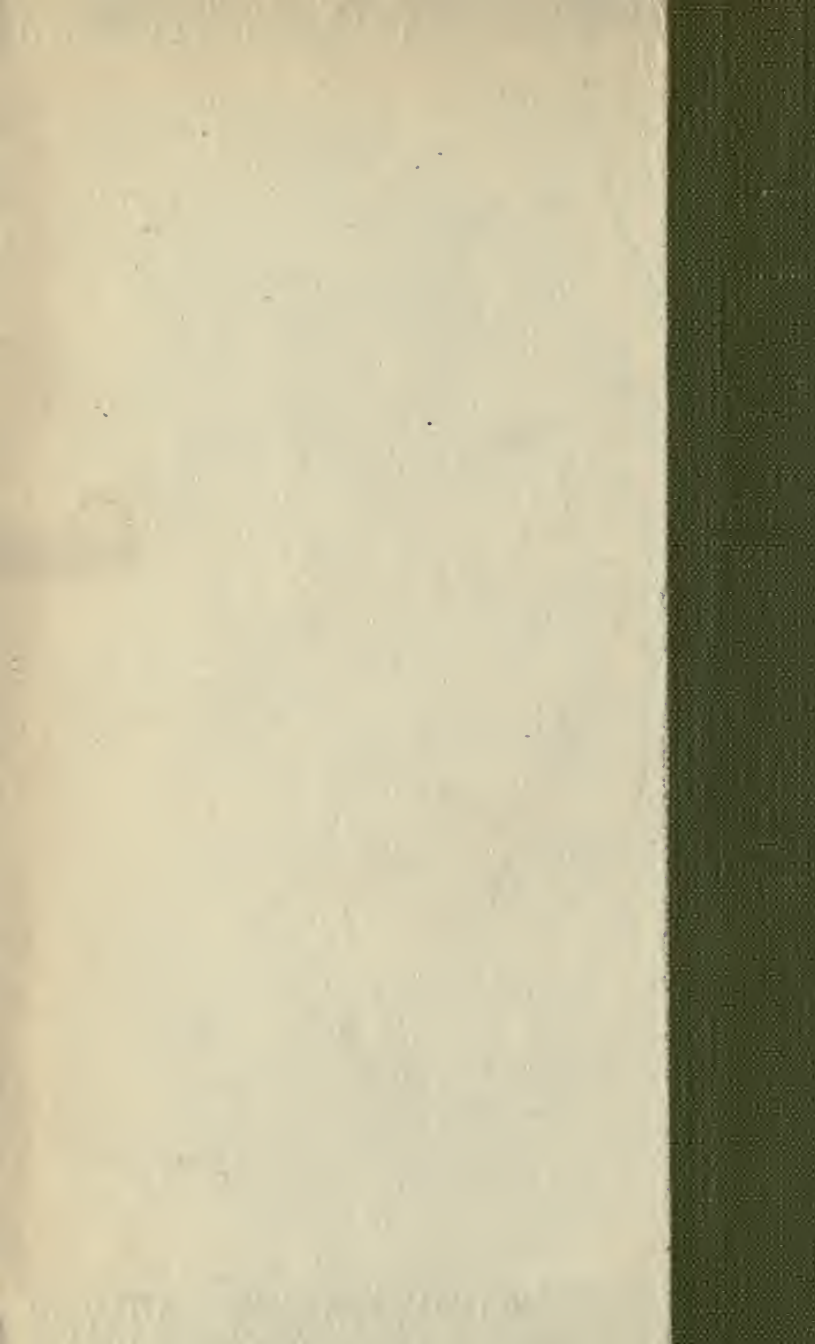
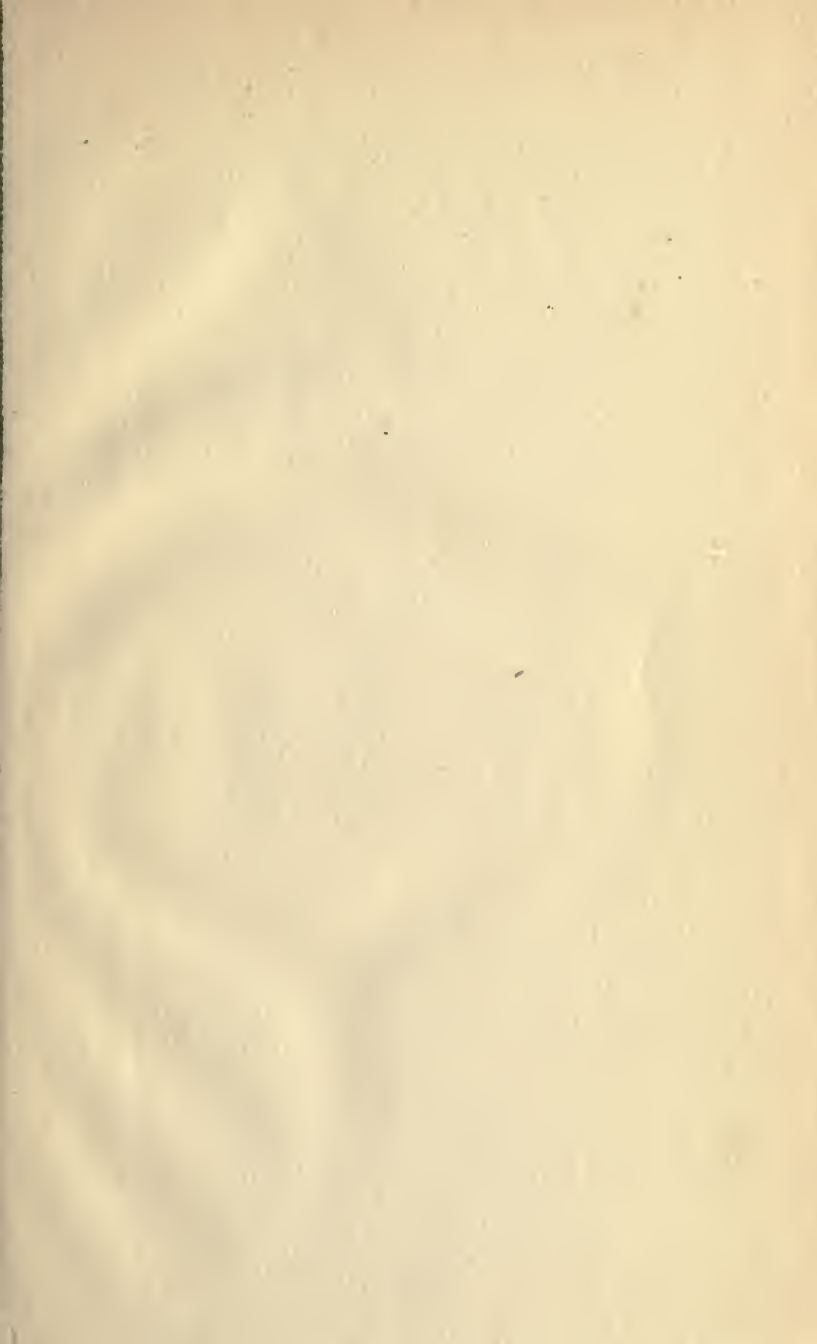


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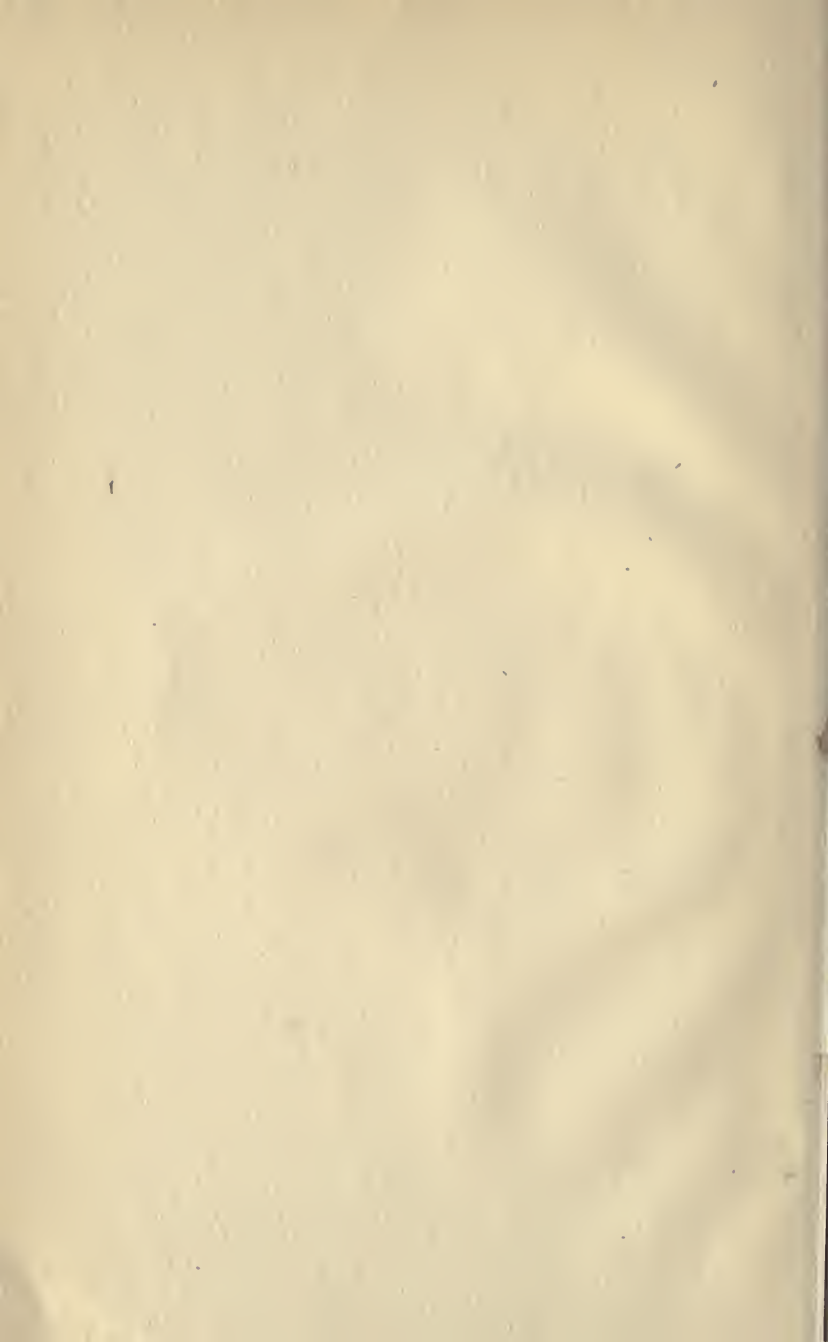






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INTERNATIONAL CONCILIATION

No. 134-137

DOCUMENTS  
OF THE  
AMERICAN ASSOCIATION  
FOR  
INTERNATIONAL CONCILIATION  
1919<sup>1</sup>



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AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION

SUB-STATION 84 (407 WEST 117TH STREET)

NEW YORK CITY

1920

It is the aim of the Association for International Conciliation to awaken interest and to seek cooperation in the movement to promote international good will. This movement depends for its ultimate success upon increased international understanding, appreciation, and sympathy. To this end, documents are printed and widely circulated, giving information as to the progress of the movement and as to matters connected therewith, in order that individual citizens, the newspaper press, and organizations of various kinds may have accurate information on these subjects readily available.

The Association endeavors to avoid, as far as possible, contentious questions, and in particular questions relating to the domestic policy of any given nation. Attention is to be fixed rather upon those underlying principles of international law, international conduct, and international organization, which must be agreed upon and enforced by all nations if peaceful civilization is to continue and to be advanced. A list of publications will be found at the end of this volume.

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# CONTENTS

<i>No.</i>	<i>Page</i>
Special Bulletin:	
JANUARY, 1919	
I. Yougoslavia, by M. I. Pupin . . . . .	9
II. Declaration of Independence of the Mid-European Union, October 27, 1918 . . . .	23
III. Declaration of Independence of the Czechoslovak Nation, October 18, 1918 . . . . .	26
IV. Declaration of Corfu, July 20, 1917 . . . . .	31
134. A LEAGUE OF NATIONS. JANUARY, 1919	
I. Projects for a League of Nations	
League of Free Nations Association . . . . .	37
League to Enforce Peace . . . . .	48
The World's Court League . . . . .	51
The League of Nations Union . . . . .	53
II. A League of Nations. Speech delivered by Felix Calonder, ex-President of the Swiss Confederation, before the National Council of Switzerland, June 6, 1918 . . . . .	54
III. A League of Nations, by Sir William Collins .	68
IV. A League of Nations. Address delivered by Charles R. Van Hise, late President of the University of Wisconsin, at the Wisconsin State Convention of the League to Enforce Peace . . . . .	86
V. International Organization. An Annotated Reading List, by Frederick C. Hicks . . .	99

<i>No.</i>		<i>Page</i>
	Special Bulletin:	
	PROBLEMS OF THE PEACE CONFERENCE. JANUARY, 1919	
	I. American Public Opinion and the Problems of Peace: An Interview given to Edward Mar- shall by Nicholas Murray Butler . . . . .	165
	II. A French Plan for a League of Nations .	173
135.	THE PROBLEMS OF RECONSTRUCTION, INTERNA- TIONAL AND NATIONAL. Edited by Lindsay Rogers. FEBRUARY, 1919 . . . . .	179
	Special Bulletin:	
	THE LEAGUE OF NATIONS. MARCH, 1919	
	I. Proposed Constitution of the League of Nations	341
	II. Speeches delivered before the Peace Conferences by Members of the Commission on the League of Nations . . . . .	355
	III. Addresses delivered by President Wilson in Boston, February 24, 1919, and in New York, March 4, 1919 . . . . .	388
136.	MARCH, 1919	
	I. Russian Documents . . . . .	417
	II. The Russian Constitution . . . . .	484
	III. The Russian Land Law . . . . .	503
	IV. The Franco-Russian Alliance . . . . .	519
137.	THE GERMAN REVOLUTION. APRIL, 1919	
	I. The Documentary History of the German Revolution . . . . .	537
	II. Manifesto of the Spartacus Group . . . . .	552
	III. What Should be Changed in Germany, by Charles Andler. Translated by Grace Fallow Norton . . . . .	558

## Special Bulletin:

CRITICISMS OF THE DRAFT PLAN FOR THE LEAGUE  
OF NATIONS. APRIL, 1919

- I. William Howard Taft: Addresses delivered at  
the Metropolitan Opera House, New York,  
March 4, 1919, and before the Economic  
Club of New York, March 11, 1919 . . . . 627
- II. Charles E. Hughes: Address delivered at the  
Union League Club, New York, March 26,  
1919 . . . . . 661
- III. Elihu Root: Letter to the Chairman of the  
Republican National Committee, March 29,  
1919 . . . . . 694



# INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

I. YUGOSLAVIA, By M. I. PUPIN

II. DECLARATION OF INDEPENDENCE OF  
THE MID-EUROPEAN UNION

OCTOBER 27, 1918

III. DECLARATION OF INDEPENDENCE OF  
THE CZECHO-SLOVAK NATION

OCTOBER 18, 1918

IV. DECLARATION OF CORFU

JULY 20, 1917



JANUARY, 1919

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY





## I. YUGOSLAVIA

By M. I. PUPIN

*Yugoslavia*, that is the South Slavonic State, consisting of a union of all Serbs, Croatsians, and Slovenes, which will undoubtedly be one of the products of the impending peace conference, will bring to a close a national struggle which has been going on for over a thousand years. The Southern Slavs, that is the Serbs of Serbia, Montenegro, Bosnia, Hercegovina, Southern Dalmatia and Southern Hungary; the Croatsians of Croatia, Slavonia and Northern Dalmatia; and the Slovenes of Carniola, Istria, Carinthia and Southern Styria, are one and the same people, but they exhibit differences, which have been produced in the course of one thousand years by differences in the political, economic and religious environment.

The invasion of domesticated Europe by the warlike and wild Asiatic tribes, the Avars and the Huns, was one of those seismic forces which produced during the middle ages unexpected and sudden changes in the ethnical and political configuration of Europe. No European race experienced by this upheaval a change as great as that which occurred among the Southern Slavs. When Charlemagne, in the ninth century, finally drove back the Avars to the countries east and south of the Danube and forced them and the Huns to the regions of Hungary and Bulgaria, the Southern Slavs found themselves split up into three distinct parts: one part was within the Frankish

Empire; it is represented today by the Croatians and the Slovenes. The second part was within the Byzantine Empire, and is represented today by the Serbs. The third part remained under the sway of the Bulgars, and it is represented by Bulgaria. The Southern Slavs of Bulgaria received from their conquerors, the Bulgars, such a large infusion of Hun blood that they cannot and wish not to be counted today as a component part of the South Slavonic race. In fact, one of the earliest struggles which the first two component parts of the South Slavonic race experienced during several centuries of their early history was the struggle against the bulgarized Slavs of the present Bulgaria. This struggle was brought to a close by Stephen Dushan the Mighty, Czar of the Serbs, who in the fourteenth century defeated the Bulgars and established the great czardom of the Serbs, the capital of which was Skoplye (Uskub) on the Vardar River. In this struggle the Croatians fought alongside of the Serbs against their common enemy, the Bulgars; and Stephen Dushan, to emphasize the union of the Serbs and the Croatians in this great struggle, assumed among other titles also the short but comprehensive title: Czar of the Slavonians. When in 1389 the conquering Turkish armies were moving in the direction of the Field of Kossovo, there to decide the fate of the Balkans, King Tvrtko of Bosnia and the Croatian nobles hastened with their armies to help Lazar, Czar of the Serbs, and the tragedy of Kossovo, where the Serb Empire fell, was always a favorite theme with the Croatian minstrel as it was with the Serb. In the tragedy of Kossovo the Croatians saw a national disaster just as the Serbs did. It should also be observed that on many previous occasions the Serbs of

the Balkans rendered valuable assistance to the Croatians and to the Slovenes in their struggles against the Avars, Franks, and particularly against the Hungarians. Thus in 960 Chaslav, the most famous of Serbian Kings in those days, fell on the battlefield in Syrmia defending the Croatians against the Hungarians. The consciousness of racial unity existed, therefore, among the Serbs, the Croatians, and the Slovenes, even during the middle ages and is not, as some suppose, due to a modern political movement.

The division among the Southern Slavs, brought about by the political changes due to Charlemagne and to the Turkish invasion produced a long-continued separation of the Serbs from the Croatians and the Slovenes, and this separation was made even more radical by the great schism which occurred in the Christian Church during the middle ages. The Croatians and the Slovenes, living within the territories of the Frankish Empire, adopted the Church of Rome, and the Serbs, who lived within the sphere of influence of the Byzantine Empire, remained true to the Byzantine or Eastern Church. In those days the Church was the source not only of spiritual but also of temporal power. The Church of Rome held supreme sway over the nobles of the Croatians and the Slovenes, and encouraged the development of the feudal system, so popular in the Frankish Empire, whereas the Byzantine Church determined the mental attitude of the Serbs in all matters both spiritual and political. Feudalism never flourished in the realm of the Serbs. In this manner the separation between the Serbs, the Croatians, and the Slovenes grew wider and wider. But even in those days men with pronounced South Slavonic national consciousness were

not wanting, who started a powerful movement, the object of which was to counteract this process of racial separation, sustained by the antagonism between the Eastern and Western Church, and also by the feudalism of the Western civilization at that time. The earliest among them were the Bogoumils of Bosnia, a new sect which preached the doctrine of emancipation of the people from the feudalistic power of the Church and of the nobility. They were the forerunners of the Protestant movement in Western Europe, and their doctrines, after several centuries of desperate struggle, finally gained much favor, owing to the appearance of Yan Huss, the great Bohemian reformer, and the pioneer of the Protestantism of Martin Luther. One of the most effective weapons in the hands of these South Slavonic reformers were books, written in the popular vernacular, and the great religious and social reformers who led the Bogoumil and the Hussite Protestant movement among the Southern Slavs reminded their people that the same Slavonic language is spoken by the peoples living in territories stretching from the Slovene and the Croatian lands up to Constantinople. The unity of the South Slavonic race was one of their postulates. But this South Slavonic propaganda, being a part of the Bogoumil propaganda, was doomed to perish because it was directed against the greatest power of Europe at that time, the feudalism of the Church and of the State, and, as was to be expected, it was finally and completely wiped out in the sixteenth century, when the Croatian nobility, coöperating with their Habsburg masters, suppressed the rising of the peasants among the Croatians and the Slovenes. This peasant movement will be always recorded in history



as the final act in that South Slavonic movement which starts among the Bogoumils of Bosnia as far back as the eleventh century.

It is admitted by the South Slavonic historians that the appearance of the Habsburg dynasty, as a determining factor in the history of the Yougoslavs, introduces the most vicious, disintegrating force directed against their nationalism. The Croatians were forced to form a closer union with the Hungarian Crown on account of the danger which after the fall of the Serb Empire at Kossovo threatened them by the invasion of the Turks. The close political union of the Croatians with the Hungarians was due to the deep-rooted conviction prevalent at that time in the minds of all nations of Europe that the Christians must unite everywhere in order to oppose successfully the rapid advance of the victorious Moslem. In 1527, the Hungarian Crown, including that of Croatia, became vacant and three candidates offered their claims: two of them were Serbs, John Zapolja of Bosnia and George Brankovich, the Despot of Serbia; the third one was Ferdinand of Austria, the bearer of the Habsburg Crown. Ferdinand was successful, thanks to his great wealth and the power of gold among the Croatian nobility, and from that time on Croatia came under the rule of the Habsburgs, just as the lands of the Slovenes were before. In place of the South Slavonic movement for unity, there appeared then in the course of the succeeding centuries every conceivable device invented by the Habsburgs to create greater and greater separation between the three branches of the Southern Slavs. The Habsburg weapon: *Divide et impera*, was applied with remorseless vigor against the Southern Slavs.

Turkish oppression of the Serbs and the Habsburg oppression of the Slovenes and the Croats during the sixteenth, seventeenth, and eighteenth century, threatened to destroy every trace of the South Slavonic name and would have succeeded, if it had not been for the power of two agencies which were stronger than Turkish and Austrian oppression. One of these agencies was the South Slavonic civilization, as preserved in Ragusa and other Dalmatian republics. These republics flourished because through the sea-trade, which was the source of their power and prosperity, they formed the connecting link between the outside world and the Southern Slavs in the Balkans and in Austria-Hungary. These South Slavonic lands formed the hinterland for the commercial republics of the Dalmatian coast. The Dalmatian republics appreciated better and sooner than anybody else that a union of the Southern Slavs must come sooner or later if the Southern Slavs and the power and glory of the coast land of Dalmatia were to be rescued from ultimate ruin. The poets of these republics sang about it and their intellectuals never ceased to encourage the South Slavonic propaganda. The most trusty agents of this propaganda were the commercial travelers and the religious missionaries of the Dalmatian republics, both of whom carried on a national propaganda among the Southern Slavs in the Balkans and in Austria. It was one of these missionaries, Kachich Milichich, who in 1735 published a book of the Serb heroic ballads which in his missionary travels through Bosnia, Herzegovina, and Old Serbia, he had collected. He called these poems, "Words pleasing to the Slavonic folks." This book became at that time, and



is still, one of the most popular books among the Southern Slavs and helped more than anything that had happened for over a hundred years prior to that time to revive among the Southern Slavs the idea of their racial unity.

Another powerful agent was the rebellion of the Serb peasants of the Turkish vilayets in the territory of Serbia of today. This rebellion under the leadership of the peasant hero Black George, Kara George, as he was called by the Turks, was started in 1804 and ended finally in 1829, when Serbia became an autonomous principality. Kara George is the greatest Serb hero of modern times. He is the grandfather of the present King Peter of Serbia.

The success of this rebellion made the name of Serb known in Europe again. But that which contributed even more than the success of this rebellion in turning Europe's attention to the birth of a new Slavonic nation in the Balkans was the publication at that time of the Serb heroic ballads, collected by Vouk Karagich. The exquisite beauty of the language found in these songs, attracted the attention of the whole world and particularly of the Croats and of the Slovenes, who found in it irrefutable evidence that the Serbs of the Balkans were the same people as they themselves, in spite of the doctrine preached by the Habsburgs that the Orthodox Serb had nothing in common with the Roman Catholic Croats and Slovenes. The language of these songs was soon adopted as the literary language of the Serbs and the Croats and that brought the two branches of the same race closer together than anything that had happened for several hundred years. From this time on the Croats and the Slovenes of Austria turned

their eyes to Serbia and to the Serbs in general whenever the Austrians and the Hungarians threatened to invade their national rights. Thus in 1848 and 1849, when the Hungarians under Kossuth announced that there were no other peoples under the Hungarian Crown except Magyars and thus threatened to destroy the last traces of the rights and privileges of the Serbs and of the Croats in Austria-Hungary, the Croats rebelled and the Serbs of Southern Hungary joined them. The ruling Prince Alexander Karageorgevich of Serbia sent a Serbian army under General Knichanin to their assistance. The Habsburg Crown made all kinds of promises and pledges to the Croats and to the Serbs of Austria for their loyal assistance; they gave it and the Austrian Crown was saved by their gallant fight against rebellious Hungarians and by Russia who sent an army to Hungary to help the Serbs and the Croats. But in 1867, when the Habsburg Crown saw fit to settle its differences with the Hungarians by the famous 'Ausgleich,' the Serbs and the Croats of Austria-Hungary were delivered again to the tender mercies of the Magyars. It is very significant, that Prince Michael of Serbia who, like his predecessor, Prince Alexander Karageorgevich, stood loyally by the Croats and the Serbs of Austria-Hungary and promised them every help against Austro-Hungarian aggression, was suddenly assassinated in 1868 by men who were reported at that time to have been in pay of a foreign power.

During the succeeding fifty years, that is from 1868 up to the present time, Austria-Hungary launched a policy of suppressing by force, intrigue, corruption, and every other means known to unscrupulous minds

the movement for unification among the Southern Slavs. This manoeuvring of Austria-Hungary against South Slavonic nationalism was very similar to that employed over sixty years ago by the same power against the Italian nationalism. Serbia was the Piedmont of the Southern Slavs and if Serbia could be destroyed, then the South Slavonic dream of a Yougoslavia would soon vanish into thin air. The first blow was delivered in 1878 when Austria-Hungary occupied Bosnia and Hercegovina. The Serbs of these two Turkish provinces rebelled in 1875; their avowed object was liberation from Turkish military feudalism and union with the Serbs of Serbia and Montenegro. In 1876 Serbia and Montenegro came to the assistance of the rebels by declaring war against Turkey, and in 1877 Russia joined. The Turks were vanquished, but at the Treaty of Berlin in 1878 Austria-Hungary checkmated not only Russia but Serbia also, by carrying off Bosnia and Hercegovina, the very prize for which Serbia and Montenegro fought. Bismarck and Disraeli played into the hands of Austria; Prince Gortchakoff gave expression to his bitter disappointment when he made his famous prophecy: Bosnia and Hercegovina will be the grave of Austria. His prophecy has come true!

Between 1878 and 1903 Austria-Hungary employed every means to corrupt King Milan of Serbia and his son and successor, King Alexander, and their scandalous acts created such a stir of bitterness in Serbia that in the opinion of Serbian patriots a miracle only could save Serbia from a civil war. This would have given Austria a pretext for interference and occupation just as she occupied Bosnia and Hercegovina. The miracle occurred and the dynasty of Obrenovich

came to a tragic end, but Serbia escaped a civil war. This tragedy was exploited by the Press Bureaus of Vienna and Berlin for the purpose of representing the Serbians before the whole world as black-hearted assassins and cut-throats. The world, which was not initiated at that time as it is today in the game of the Austro-German propaganda, believed everything, and the name 'Serbian' threatened to become synonymous with assassin. Public opinion of the world was to be moulded by the Teuton propaganda in such a way that it would, at the proper moment, demand Austria's occupation of Serbia. That moment was to be furnished by the tragedy of Sarajevo. In this, however, the Vienna-Berlin Press Bureau propaganda met with no success. Today the history of this war and of the first and second Balkan wars furnishes a splendid proof that the Serbian is a noble fellow and that his calumniators in the Berlin and Vienna Press Bureau are the black-hearted assassins.

The tragedy of Belgrade in 1903 brought the dynasty of Karageorgevich to the throne of Serbia again, and from that time on Serbia progressed. The influence of Austria was eliminated from Serbia, and there were no more court scandals, party strifes, or attacks of the crown upon Serbia's democratic constitution. The Croats, the Slovenes, and the Austrian Serbs turned their eyes again to Serbia. The South-Slavonic nationalism rose up stronger than ever, and in 1905 the Serbo-Croatian Coalition Party was formed by the Croats and the Serbs of Croatia, the object of which was to ward off Hungarian attacks against the just South Slavonic national aspirations in Croatia. Austria-Hungary looked upon the Serbo-Croatian Coalition Party as a danger signal,



and made a counter-move by annexing [Bosnia and Hercegovina in 1908, at the same time threatening Serbia with a declaration of war, if Serbia did not at once and forever renounce all future claims against these two South Slavonic provinces. Germany supported this insolent aggressiveness of her ally. Serbia yielded, but her humiliation aroused deep sympathy among the Southern Slavs in Austria. This sympathy flared up into a most exuberant nationalistic enthusiasm when in the first and second Balkan Wars the Serbian armies marched on from victory to victory. Serbia, the South Slavonic Piedmont, appeared then to Austria-Hungary more dangerous than ever, and this led to the great war of 1914, which brought the downfall of Austria-Hungary. Serbia stands today more glorious than ever in the eyes of the Southern Slavs.

Over a year ago, that is in July, 1917, the South Slavonic Council of London, representing the Southern Slavs of Austria-Hungary, formulated in conference with the Serbian Government the historic Declaration of Corfou, which defines the foundations for a union of all Southern Slavs with Serbia in a Kingdom of the Serbs, Croats, and Slovenes, under the Karageorgevich dynasty. In this new kingdom the three branches of the Southern Slavs are to enjoy the same rights and privileges in accordance with a constitution to be constructed by the great popular assembly after the termination of the present war.

This brief sketch of the history of nationalism among the Southern Slavs shows that this nationalism is based upon a foundation which rests on three solid pillars: First, common language; second, a desire to acquire by union more power for defense against external enemies; third, a recognition of the self-

evident truth that a union of the three parts of the same race will furnish a broader basis for their economic development, since the three parts supplement each other in a remarkably harmonious manner geographically, agriculturally, industrially, and temperamentally. The economic motive was recognized by the Dalmatians first, and one may sum up their mental attitude by saying: No Dalmatia without Yougoslavia, and no Yougoslavia without Dalmatia. No Yougoslav is more enthusiastic about the proposed Yougoslavia than the Dalmatian.

No valid objections have ever been advanced against the union of the Southern Slavs. The objection most frequently heard is the objection resting upon religious grounds. The Croatians and the Slovenes are Roman Catholics, the Serbs are Orthodox, and it is argued that the Roman Catholic clergy is too closely bound to the Catholic house of Habsburgs to permit the orthodox dynasty of Karageorgevich to rule over the Roman Catholic Southern Slavs. This argument is easily answered. In the first place, the house of Habsburg and the Roman Catholic Empire of Austria have gone, and their sudden and complete collapse has convinced the Catholic clergy that these structures were so moribund that not even the splendid organization of the Catholic Church could keep them alive. It should be observed here that in recent times and long before the collapse of the Austrian Empire, the Catholic clergy among the Croatians and Slovenes came out strongly and enthusiastically in favor of a South Slavonic union. In the second place, the creation of the Kingdom of the Serbs, Croatians, and Slovenes under the dynasty of Karageorgevich, as is demanded by the Declaration of Corfou, does not



mean that this dynasty is to rule over these peoples in the sense in which the Hohenzollerns ruled over Germany and the Habsburgs ruled over the peoples of Austria-Hungary. There is no divine right of kings in Serbia, and there will be none in Yougoslavia, nor will the Yougoslavs ever permit that matters purely ecclesiastical influence the policy of the State. Complete religious, social, and every other kind of tolerance, and local and provincial autonomy is the characteristic feature of the democratic constitution of the Kingdom of Serbia and will remain so in Yougoslavia. These are the essential elements of autonomy and freedom for which the Southern Slavs in Austria-Hungary have been fighting for many centuries. Their kinsman, the Serb in Serbia, has them, and he offers to make them the foundation of Yougoslavia, the new Slavonic democracy of Southeastern Europe. The Serb of Serbia has made many sacrifices and he has everything to give, but asks one thing only. It is this: For nearly five centuries the Serb has lived the life of privation. Economic and spiritual freedom was denied to him. During these centuries the Croatians and the Slovenes were in touch with Western light, the Serb was in touch with Oriental darkness. The only light he saw was that which his national heroic ballads radiated before his eyes. These national songs and the national customs based upon them were his all, his church and his school and his social life. He still breathes the atmosphere of the Serbian minstrel, the Gouslar. He still lives in the heroic age. Prince Marko, the central figure of the Serb ballads, is his ideal of a true democrat: a prince who fights like a superman against Turkish oppression in order to defend the rights of the poor, the weak, and the un-

protected. Marco's life is guided by the love of his people and not by lust of conquest. His highest ambition is to serve and not to rule. The Serb demands that the leader of the nation be a man like Prince Marko. The dynasty of Karageorgevich approaches this ideal most closely and the Serb demands that a Karageorgevich, a descendant of Kara George, the greatest Serbian hero of modern times, be the leader of Yougoslavia.

## II. Declaration of Independence of the Mid-European Union Adopted at Philadelphia, October 26, 1918

### DECLARATION OF INDEPENDENCE

(Reprinted from the *New York Tribune*, October 27, 1918)

In convention assembled at Independence Hall, Philadelphia, Pennsylvania, United States of America, on October 26, 1918, we, representing together more than fifty million people, constituting a chain of nations lying between the Baltic, the Adriatic and the Black seas, comprising Czecho-Slovaks, Poles, Jugo-Slavs, Ukrainians, Uhro-Russians, Lithuanians, Rumanians, Italian Irredentists, Unredeemed Greeks, Albanians and Zionists, wholly or partly subject to alien dominion, deeply appreciating the aid and assistance given our peoples by the government and people of America and of the Entente Allies, on behalf of ourselves and our brethren at home, do hereby solemnly declare that we place our all—peoples and resources—at the disposal of our allies for use against our common enemy, and in order that the whole world may know what we deem are the essential and fundamental doctrines which shall be embodied in the constitutions hereafter adopted by the people of our respective independent nations, as well as the purposes which shall govern our common and united

action, we accept and subscribe to the following as basic principles for all free peoples:

1. That all governments derive their just power from the consent of the governed.

2. That it is the inalienable right of every people to organize their own government on such principles and in such form as they believe will best promote their welfare, safety and happiness.

3. That the free and natural development of the ideals of any state shall be allowed to pursue their normal and unhindered course, unless such course harms or threatens the common interest of all.

4. That there should be no secret diplomacy and all proposed treaties and agreements between nations should be made public—prior to their adoption and ratification.

5. That we believe our peoples, having kindred ideals and purposes, should coördinate their efforts to insure the liberty of their individual nations for the furtherance of their common welfare, provided such a union contributes to the peace and welfare of the world.

6. That there should be formed a league of the nations of the world in a common and binding agreement for genuine and practical coöperation to secure justice, and therefore peace, among nations.

In the course of our history we have been subject to, and victims of aggressive and selfish nations and autocratic dynasties, and held in subjection by force of arms.

We have suffered destruction of our cities, violation of our homes and lands, and we have maintained

our ideals only by stealth, and in spite of the tyranny of our oppressors.

We have been deprived of proper representation and fair trial; we have been denied the right of free speech and the right freely to assemble and petition for the redress of our grievances; we have been denied free and friendly intercourse with our sister states, and our men have been impressed in war against their brothers and friends of kindred races.

The signers of this declaration, and representatives of other independent peoples who may subscribe their names hereto, do hereby pledge, on behalf of their respective nations, that they will unitedly strive to the end that these wrongs shall be righted, that the sufferings of the world war shall not have been in vain, and that the principles here set forth shall be incorporated in the organic laws of whatever governments our respective peoples may hereafter establish.



### III. Text of Declaration of Independence of the Czecho-Slovak Nation Adopted by Provisional Government at Paris, October 18, 1918

(Reprinted from *The Official U. S. Bulletin*, October 19, 1918)

At this grave moment, when the Hohenzollerns are offering peace in order to stop the victorious advance of the allied armies and to prevent the dismemberment of Austria-Hungary and Turkey, and when the Hapsburgs are promising the federalization of the Empire and autonomy to the dissatisfied nationalities committed to their rule we, the Czecho-Slovak National Council, recognized by the allied and American Governments as the Provisional Government of the Czecho-Slovak State and nation, in complete accord with the declaration of the Czech deputies made in Prague on January 6, 1918, and realizing that federalization and, still more, autonomy, means nothing under a Hapsburg dynasty, do hereby make and declare this our declaration of independence.

We do this because of our belief that no people should be forced to live under a sovereignty they do not recognize and because of our knowledge and firm conviction that our nation cannot freely develop in a Hapsburg mock federation, which is only a new form of the denationalizing oppression under which we have suffered for the past 300 years. We consider freedom to be the first prerequisite for federalization, and believe that the free nations of central and eastern

Europe may easily federate should they find it necessary.

We make this declaration on the basis of our historic and natural right. We have been an independent State since the seventh century, and in 1526, as an independent State, consisting of Bohemia, Moravia, and Silesia, we joined with Austria and Hungary in a defensive union against the Turkish danger. We have never voluntarily surrendered our rights as an independent State in this confederation. The Hapsburgs broke their compact with our nation by illegally transgressing our rights and violating the constitution of our State, which they had pledged themselves to uphold, and we therefore refuse longer to remain a part of Austria-Hungary in any form.

We claim the right of Bohemia to be reunited with her Slovak brethren of Slovakia, once a part of our national State, later torn from our national body, and fifty years ago incorporated in the Hungarian State of the Magyars, who, by their unspeakable violence and ruthless oppression of their subject races, have lost all moral and human right to rule anybody but themselves.

The world knows the history of our struggle against the Hapsburg oppression, intensified and systematized by the Austro-Hungarian dualistic compromise of 1867. This dualism is only a shameless organization of brute force and exploitation of the majority by the minority; it is a political conspiracy of the Germans and Magyars against our own as well as the other Slav and the Latin nations of the monarchy. The world knows the justice of our claims, which the Hapsburgs themselves dared not deny. Francis Joseph in the most solemn manner repeatedly recognized the sov-



ereign rights of our nation. The Germans and Magyars opposed this recognition, and Austria-Hungary, bowing before the Pan-Germans, became a colony of Germany and, as her vanguard to the East, provoked the last Balkan conflict, as well as the present world war, which was begun by the Hapsburgs alone without the consent of the representatives of the people.

We cannot and will not continue to live under the direct or indirect rule of the violators of Belgium, France, and Serbia, the would-be murderers of Russia and Rumania, the murderers of tens of thousands of civilians and soldiers of our blood, and the accomplices in numberless unspeakable crimes committed in this war against humanity by the two degenerate and irresponsible dynasties. We will not remain a part of a State which has no justification for existence and which, refusing to accept the fundamental principles of modern world-organization, remains only an artificial and immoral political structure, hindering every movement toward democratic and social progress. The Hapsburg dynasty, weighed down by a huge inheritance of error and crime, is a perpetual menace to the peace of the world, and we deem it our duty toward humanity and civilization to aid in bringing about its downfall and destruction.

We reject the sacrilegious assertion that the power of the Hapsburg and Hohenzollern dynasties is of divine origin; we refuse to recognize the divine right of kings. Our nation elected the Hapsburgs to the throne of Bohemia of its own free will and by the same right deposes them. We hereby declare the Hapsburg dynasty unworthy of leading our nation, and deny all of their claims to rule in the Czecho-Slovak Land,

which we here and now declare shall henceforth be a free and independent people and nation.

We accept and shall adhere to the ideals of modern democracy, as they have been the ideals of our nation for centuries. We accept the American principles as laid down by President Wilson; the principles of liberated mankind—of the actual equality of nations—and of governments deriving all their just power from the consent of the governed. We, the nation of Comenius, cannot but accept these principles expressed in the American Declaration of Independence, the principles of Lincoln, and of the declaration of the rights of man and of the citizen. For these principles our nation shed its blood in the memorable Hussite Wars 500 years ago; for these same principles, beside her allies, our nation is shedding its blood today in Russia, Italy, and France.

We shall outline only the main principles of the Constitution of the Czecho-Slovak Nation; the final decision as to the constitution itself falls to the legally-chosen representatives of the liberated and united people.

The Czecho-Slovak State shall be a republic. In constant endeavor for progress it will guarantee complete freedom of conscience, religion and science, literature and art, speech, the press, and the right of assembly and petition. The Church shall be separated from the State. Our democracy shall rest on universal suffrage; women shall be placed on an equal footing with men, politically, socially, and culturally. The rights of the minority shall be safeguarded by proportional representation; national minorities shall enjoy equal rights. The government shall be parliamentary in form and shall recognize the principles of initiative

and referendum. The standing army will be replaced by militia.

The Czecho-Slovak Nation will carry out far-reaching social and economic reforms; the large estates will be redeemed for home colonization; patents of nobility will be abolished. Our nation will assume its part of the Austro-Hungarian prewar public debt; the debts for this war we leave to those who incurred them.

In its foreign policy the Czecho-Slovak Nation will accept its full share of responsibility in the reorganization of Eastern Europe. It accepts fully the democratic and social principle of nationality and subscribes to the doctrine that all covenants and treaties shall be entered into openly and frankly without secret diplomacy.

Our constitution shall provide an efficient, rational, and just government, which will exclude all special privileges and prohibit class legislation.

Democracy has defeated theocratic autocracy. Militarism is overcome—democracy is victorious; on the basis of democracy mankind will be recognized. The forces of darkness have served the victory of light—the longed-for age of humanity is dawning.

We believe in democracy—we believe in liberty—and liberty evermore.

Given in Paris, on the eighteenth of October, 1918.

Professor Thomas G. Masaryk,

Prime Minister and Minister of Finance.

General Dr. Milan R. Stefanik,

Minister of National Defense.

Dr. Edward Benes,

Minister of Foreign Affairs and of Interior.

#### IV. Declaration of Corfu

1. The State of the Serbs, Croats, and Slovenes, who are also known by the name of Southern Slavs or Yougoslavs, will be a free and independent kingdom, with an indivisible territory and unity of power. This State will be a constitutional, democratic, and Parliamentary monarchy, with the Karageorgevich dynasty, which has always shared the ideals and feelings of the nation in placing above everything else the national liberty and will at its head.

2. The name of this State will be the Kingdom of the Serbs, Croats, and Slovenes, and the title of the sovereign will be King of the Serbs, Croats, and Slovenes.

3. This State will have one coat-of-arms, only one flag, and one crown.

4. The four different flags of the Serbs, Croats, and Slovenes will have equal rights, and may be hoisted freely on all occasions. The same will obtain for the four different coats-of-arms.

5. The three national denominations, the Serbs, Croats, and Slovenes, are equal before the law in all the territory of the kingdom, and each may freely use it on all occasions in public life and before all authorities.

6. The two Cyrillic and Latin alphabets also have the same rights and every one may freely use them

in all the territory of the kingdom. The royal and local self-governing authorities have the right and ought to employ the two alphabets according to the desire of the citizens.

7. All religions are recognized, and may be free and publicly practised. The Orthodox, Roman Catholic, and Mussulman religions, which are most professed in our country, will be equal, and will enjoy the same rights in relation to the State. In view of these principles, the Legislature will be careful to preserve the religious peace in conformity with the spirit and tradition of our entire nation.

8. The Gregorian calendar will be adopted as soon as possible.

9. The territory of the Serbs, Croats, and Slovenes will comprise all the territory where our nation lives in compact masses and without discontinuity, and where it could not be mutilated without injuring the vital interests of the community. Our nation does not ask for anything which belongs to others, and only claims that which belongs to it. It desires to free itself and establish its unity. That is why it conscientiously and firmly rejects every partial solution of the problem of its freedom from the Austro-Hungarian domination.

10. The Adriatic Sea, in the interests of liberty and equal rights of all nations, is to be free and open to all and each.

11. All citizens throughout the territory of the kingdom are equal, and enjoy the same rights in regard to the State and the law.

12. The election of Deputies to the national representation will take place under universal suffrage,



which is to be equal, direct, and secret. The same will apply to the elections in the communes and other administrative institutions. A vote will be taken in each commune.

13. The Constitution to be established after the conclusion of peace by the Constituent Assembly elected by universal, direct, and secret suffrage will serve as a basis for the life of the State. It will be the origin and ultimate end of all the powers and all rights by which the whole national life will be regulated. The Constitution will give the people the opportunity of exercising its particular energies in local autonomies, regulated by natural, social, and economic conditions. The Constitution must be adopted in its entirety by a numerical majority of the Constituent Assembly, and all other laws passed by the Constituent Assembly will not come into force until they have been sanctioned by the King.

Thus the united nation of Serbs, Croatsians, and Slovenes will form a State of twelve million inhabitants. This State will be a guarantee of their national independence and of their general national progress and civilization, and a powerful rampart against the pressure of the Germans, and an inseparable ally of all civilized peoples and States. Having proclaimed the principle of right and liberty and of international justice, it will form a worthy part of the new society of nations.

Signed at Corfu, July 20, 1917, by the President of the Council and Minister of Foreign Affairs of the Kingdom of Serbia, Nikola Pashitch, and the President of the Yougoslav Committee, Dr. Anto Trumbic.





# INTERNATIONAL CONCILIATION

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## A LEAGUE OF NATIONS

- I. Projects for a League of Nations
  - League of Free Nations Association
  - League to Enforce Peace
  - The World's Court League
  - The League of Nations Union
- II. A League of Nations. Speech delivered by Felix Calonder, ex-President of the Swiss Confederation, before the National Council of Switzerland, June 6, 1918
- III. A League of Nations, by Sir William Collins
- IV. A League of Nations. Address delivered by Charles R. Van Hise, late President of the University of Wisconsin, at the Wisconsin State Convention of the League to Enforce Peace
- V. International Organization. An Annotated Reading List, by Frederick C. Hicks



JANUARY, 1919

No. 134

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY



## LEAGUE OF FREE NATIONS ASSOCIATION

### STATEMENT OF PRINCIPLES <sup>1</sup>

The object of this Society is to promote a more general realization and support by the public of the conditions indispensable to the success, at the Peace Conference and thereafter, of American aims and policy as outlined by President Wilson.

The particular aims, such as the liberation of Belgium, Serbia, Poland, and Bohemia, and their future protection from aggression, and America's own future security on land and sea, are dependent upon the realization of the more general aim of a sounder future international order, the corner-stone of which must be a League of Nations.

The purposes of such a League are to achieve for all peoples, great and small:

1. Security: the due protection of national existence.
2. Equality of economic opportunity.

<sup>1</sup> Throughout the last six months a group of about fifty editors, publicists, and experienced students of international affairs have been meeting weekly in New York for the serious and thorough study of the far-reaching implications of the idea of a League of Nations after the war. It is believed that the time is now ripe for fuller and specific discussion, and for securing popular assent to certain necessary corollaries of the main idea. Accordingly this statement of principles is offered as a basis for general consideration, and comment is desired.

Copies of the statement may be obtained upon application to the Secretary, League of Free Nations Association, 130 West 42d Street, New York City.

Both these purposes demand for their accomplishment profound changes in the spirit and principles of the older international statecraft. The underlying assumption heretofore has been that a nation's security and prosperity rest chiefly upon its own strength and resources. Such an assumption has been used to justify statesmen in attempting, on the ground of the supreme need for national security, to increase their own nation's power and resources by insistence upon strategic frontiers, territory with raw material, outlets to the sea, even though that course does violence to the security and prosperity of others. Under any system in which adequate defense rests upon individual preponderance of power, the security of one must involve the insecurity of another, and must inevitably give rise to covert or overt competitions for power and territory dangerous to peace and destructive to justice.

Under such a system of competitive as opposed to coöperative nationalism the smaller nationalities can never be really secure. Obviously Belgians, Jugoslavs, Poles, Czechoslovaks will not be secure if they have to depend upon their own individual, unaided strength. International commitments of some kind there must be. The price of secure nationality is some degree of internationalism.

The fundamental principle underlying the League of Nations is that the security and rights of each member shall rest upon the strength of the whole League, pledged to uphold by their combined power international arrangements ensuring fair treatment for all.

The first concern of a League of Nations is to find out what those arrangements should be, what rules of international life will ensure justice to all, how far the

old international law or practice must be modified to secure that end. It is to the interest of the entire world that every nation should attain its maximum economic development, provided it does not prevent a similar development of other nations. The realization of this aim depends upon a gradually increasing freedom of mutual exchange with its resulting economic interdependence. It is certain, for instance, that if anything approaching equality of economic opportunity as between great and small, powerful and weak, is to be obtained, the following must be guaranteed for all on equal terms:

(a) No state shall accord to one neighbor privileges not accorded to others—this principle to apply to the purchase of raw material as well as to access to markets. Equality of economic opportunity does not mean the abolition of all tariffs or the abolition of the right of self-governing states to determine whether Free Trade or Protection is to their best interests.

(b) States exercising authority in non-self-governing territories shall not exercise that power as a means of securing a privileged economic position for their own nationals; economic opportunity in such territories shall be open to all peoples on equal terms, the peoples of nations possessing no such territories being in the same position economically as those that possess great subject empires. Investments and concessions in backward countries should be placed under international control.

(c) Goods and persons of the citizens of all states should be transported on equal terms on international rivers, canals, straits, or railroads.

(d) Landlocked states must be guaranteed access to the sea on equal terms both by equality of treatment



on communications running through other states, and by the use of seaports.

The first task is legislative in its nature. The problem is to modify the conditions that lead to war. It will be quite inadequate to establish courts of arbitration or of law if they have to arbitrate or judge on the basis of the old laws and practices. These have proved insufficient.

It is obvious that any plan ensuring national security and equality of economic opportunity will involve a limitation of national sovereignty. It is here particularly that the success of the League will demand the doing of the "unprecedented things" mentioned by President Wilson. States possessing ports that are the natural outlet of a hinterland occupied by another people will perhaps regard it as an intolerable invasion of their independence if their sovereignty over those ports is not absolute but limited by the obligation to permit of their use by a foreign and possibly rival people on equal terms. States possessing territories in Africa or Asia inhabited by populations in a backward state of development, have generally heretofore looked for privileged and preferential treatment of their own industry and commerce in those territories. Great interests will be challenged, some sacrifice of national pride demanded, and the hostility of political factions in some countries will be aroused.

Yet if, after the war, states are to be shut out from the sea; if rapidly expanding populations find themselves excluded from raw materials indispensable to their prosperity; if the privileges and preferences enjoyed by states with overseas territories place the less powerful states at a disadvantage, we shall have



re-established potent motives for that competition for political power which, in the past, has been so large an element in the causation of war and the subjugation of weaker peoples. The ideal of the security of all nations and "equality of opportunity" will have failed of realization.

Both President Wilson and Lord Grey have insisted that the creation of a League of Nations must be an integral part of the settlement itself. Both have indeed declared that if it is not established at that settlement, it is never likely to be.

The reason is obvious. If the League is not a political reality at the time that the territorial readjustments come to be discussed; if, as in the past, nations must look for their future security chiefly to their own strength and resources, then inevitably, in the name of the needs of national defense, there will be claims for strategic frontiers and territories with raw material which do violence to the principle of nationality. Afterwards those who suffer from such violations would be opposed to the League of Nations because it would consecrate the injustice of which they would be the victims. A refusal to trust to the League of Nations, and a demand for "material" guarantees for future safety, will set up that very distrust which will afterwards be appealed to as justification for regarding the League as impracticable because it inspires no general confidence. A bold "Act of Political Faith" in the League will justify itself by making the League a success; but, equally, lack of faith will justify itself by ruining the League.

Just as the general acceptance of the principles of the League must precede the territorial settlement, so must it precede attempts to reduce armaments. The

League should not be, in the first stage, a proposal to relinquish arms, but to combine them; it should be an agreement upon the methods by which they can be used in common for common security. The League of Nations is not an alternative to the use of force, but the organization of force to the end that it may be effective for our common protection.

If nations can be brought to realize that they can in truth look to the League as the main guaranty of political security and economic opportunity, that those things do not demand unwilling provinces as sources of man power or raw material, nor seaports as a condition of economic development, then one of the main obstacles to the liberation of subject nationalities will have been removed, and the solution of the specific problems of Poland, Alsace-Lorraine, Bohemia, Jugoslavia, and the self-determination of the peoples of Turkey and Russia, will have been enormously facilitated.

The administrative machinery of a workable internationalism already exists in rudimentary form. The international bodies that have already been established by the Allied belligerents—who now number over a score—to deal with their combined military resources, shipping and transport, food, raw materials, and finance, have been accorded immense powers. Many of these activities—particularly those relating to the international control of raw material and shipping—will have to be continued during the very considerable period of demobilization and reconstruction which will follow the war. Problems of demobilization and civil re-employment particularly will demand the efficient representation of Labor and Liberal elements of the various states. With inter-

national commissions, and exercising the same control over the economic resources of the world, an international government with powerful sanction will in fact exist.

The international machinery will need democratization as well as progressive differentiation of function. If the League of Nations is not to develop into an immense bureaucratic union of governments instead of a democratic union of peoples, the elements of (*a*) complete publicity and (*b*) effective popular representation must be insisted upon. The first of these is implicit in the principle, so emphasized by President Wilson, that in the future there must be an end to secret diplomacy. The second can only be met by some representation of the peoples in a body with legislative powers over international affairs—which must include minority elements—as distinct from the governments of the constituent states of the League. It is the principle which has found expression in the American Union as contrasted with the Federated States of the German Empire. If the government of the United States consisted merely of the representatives of forty-eight states, the Union could never have been maintained on a democratic basis. Happily it consists also of the representatives of a hundred million people. The new international government must make the same provision and deliberately aim to see that all the great parties and groups in the various states obtain representation.

The assurance of the political, civil, religious and, cultural rights of minorities within states is an even more difficult problem. But genuinely democratic parliamentary institutions in the League, ensuring some expression of minority opinion as well as

complete publicity, will be a strong deterrent if not a complete assurance against tyrannical treatment of minorities within its constituent states.

Indispensable to the success of American policy are at least the following:

A universal association of nations based upon the principle that the security of each shall rest upon the strength of the whole, pledged to uphold international arrangements giving equality of political right and economic opportunity, the association to be based upon a constitution democratic in character, possessing a central council or parliament as truly representative as possible of all the political parties in the constituent nations, open to any nation, and only such nation, whose government is responsible to the people. The formation of such an association should be an integral part of the settlement itself and its territorial problems, and not distinct therefrom. It should prohibit the formation of minor leagues or special covenants, or special economic combinations, boycotts, or exclusions. Differences between members should be submitted to its judicial bodies. Its administrative machinery should be built up from the inter-allied bodies already in existence, expanded into international bodies differentiated in function and democratized in constitution. The effective sanction of the association should be not only the combined military power of the whole used as an instrument of repression, but also such use of the world-wide control of economic resources as would make it more advantageous for a state to become and remain a member of the association and to coöperate with it, than to challenge it.

All the principles above outlined are merely an extension of the principles that have been woven into the fabric of our own national life.

In search of freedom, our forefathers turned their faces to the West, set out across the Atlantic, and laid the foundations of an American commonwealth. Even in the free spaces of the New World they could not attain independence, unity, and democracy, in such measure as we now possess them, without struggle. It



has remained for our generation, with these things not wholly achieved, to turn our faces toward the East and set out overseas across the Atlantic to aid the peoples from whom we sprang to achieve those things in the midst of the more rigid social fabric of the Old World, and against the forces of despotism, autocracy, imperialism, privilege, and militarism, which found their supreme embodiment in the Prussian scheme of world dominion.

In war and in settlement we stand for the principles which have shot through each of the great epochs of American struggle. In our War of the Revolution, in which we ourselves struck for independence and nationality, we established tradition which prompts us to stand for the freedom and self-determination of the weaker peoples; for restoration and reparation for Belgium and Serbia; a united and independent Poland; justice to the peoples of Alsace-Lorraine; recognition of the Czechoslovaks and the Jugoslavs; the freedom of the Russian Revolution to achieve its own destiny. And in our championship, through the Monroe Doctrine, of the lesser American states, we supported in one hemisphere this fundamental principle which we now urge as a basis for both.

In our Civil War, in which we determined whether in the New World a nation conceived in liberty, and dedicated to the proposition that all men are created equal, might endure, we liberated a race which we had oppressed, and made the union of free states secure. So now we stand for the greatest measure of autonomy, and for absolute freedom of religion, of civil liberty, of cultural development of the weaker peoples within the stronger nations, and of the native peoples of the undeveloped regions of the earth.

And out of our civil travail through which was confirmed our union of free states, which with unfortified boundaries and unantagonistic development stretches from ocean to ocean, we stand for the development of a League of Nations which shall bring the free peoples of the earth into a new fellowship, which shall settle their disputes by conciliation and adjudication, which shall put the economic power and the armed force of the whole against the violators of justice and the disturbers of peace, and which shall be open to all nations who subscribe to its principles and by a full democratic scheme of government make themselves eligible to such an alliance of free peoples.

So it is that President Wilson was in line with the great currents of American tradition when he characterized this as a war "to make the world safe for democracy."

In our Declaration of Independence, our Constitution, the Monroe Doctrine, and the Emancipation Proclamation, the New World has offered documents which have contributed to the organized freedom of mankind, and in President Wilson's state papers we have the elements of a new charter. At a time when deep-seated forces of reaction would hamper a democratic solution and assert the old schemes of competitive militarism, of economic wars after the war, of division and bitterness and unhealed sores, such as will breed further wars and rob this one of its great culmination, we call on all liberal-minded men to stand behind the principles which the President has enunciated, and we invite them to join in fellowship with us for their realization.

*November 27, 1918*



# LEAGUE OF FREE NATIONS ASSOCIATION

John G. Agar	Darwin P. Kingsley
Charles A. Beard	Thomas W. Lamont
George Platt Brett	Adolph Lewisohn
Rt. Rev. Benjamin Brewster	Samuel McCune Lindsay
John Graham Brooks	Owen R. Lovejoy
Henry Bruere	Robert Morss Lovett
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J. Randolph Coolidge, Jr.	Henry R. Mussey
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Walter Damrosch	J. J. Pettijohn
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Samuel T. Dutton	Judge Wm. L. Ransom
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S. S. Fels	James Harvey Robinson
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John Palmer Gavit	Jacob H. Schiff
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William Hard	Nelson S. Spencer
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Hamilton Holt	Ida M. Tarbell
J. A. H. Hopkins	Frank P. Walsh
Frederic C. Howe	H. G. Wells
Paul U. Kellogg	Caroline B. Wittpenn

## LEAGUE TO ENFORCE PEACE

### VICTORY PROGRAM <sup>1</sup>

The war now happily brought to a close has been above all a war to end war, but in order to ensure the fruits of victory and to prevent the recurrence of such a catastrophe there should be formed a League of Free Nations, as universal as possible, based upon treaty and pledged that the security of each state shall rest upon the strength of the whole. *The initiating nucleus* of the membership of the League should be the nations associated as belligerents in winning the war.

The League should aim at promoting the *liberty, progress, and fair economic opportunity* of all nations, and the orderly development of the world.

*It should ensure peace* by eliminating causes of dissension, by deciding controversies by peaceable means, and by uniting the potential force of all the members as a standing menace against any nation that seeks to upset the peace of the world.

*The advantages of membership* in the League, both economically and from the point of view of security, should be so clear that all nations will desire to be members of it.

For this purpose it is necessary to create—

1. *For the decision of justiciable questions*, an impartial tribunal whose jurisdiction shall not depend upon

<sup>1</sup> Adopted at a meeting of the Executive Committee, held in New York, November 23, 1918, as the official platform of the League to Enforce Peace, superseding the proposals adopted at the organization of the League in Philadelphia, June 17, 1915.

the assent of the parties to the controversy; provision to be made for enforcing its decisions.

2. For questions that are not justiciable in their character, a Council of Conciliation, as mediator, which shall hear, consider, and make recommendations; and failing acquiescence by the parties concerned, the League shall determine what action, if any, shall be taken.

3. *An administrative organization* for the conduct of affairs of common interest, the protection and care of backward regions and internationalized places, and such matters as have been jointly administered before and during the war. We hold that this object must be attained by methods and through machinery that will ensure both stability and progress; preventing, on the one hand, any crystallization of the *status quo* that will defeat the forces of healthy growth and changes, and providing, on the other hand, a way by which progress can be secured and necessary change effected without recourse to war.

4. *A representative Congress* to formulate and codify rules of international law, to inspect the work of the administrative bodies and to consider any matter affecting the tranquillity of the world or the progress or betterment of human relations. Its deliberations should be public.

5. *An Executive Body*, able to speak with authority in the name of the nations represented, and to act in case the peace of the world is endangered.

*The representation of the different nations* in the organs of the League should be in proportion to the responsibilities and obligations they assume. The rules of international law should not be defeated for lack of unanimity.

A resort to force by any nation should be prevented by a solemn agreement that any aggression will be met immediately by such an overwhelming *economic and military force* that it will not be attempted.

No member of the League should make any other offensive or defensive treaty or alliance, and *all treaties* of whatever nature made by any member of the League *should at once be made public*.

*Such a League must be formed at the time of the definitive peace, or the opportunity may be lost forever.*

This Victory Program is offered for the consideration and endorsement of all organizations and individuals interested in the problems of international reconstruction.

It has been adopted also by the League of Free Nations Association of New York.

## THE WORLD'S COURT LEAGUE

The World's Court League, Inc., was organized in May, 1915, to advocate and secure the establishment of a World Court for the settlement of disputes between nations. This righteous war, the League holds, makes the Court Idea of justice, arbitration and intelligent adjustment stronger than ever.

The four points of the League platform are summarized as follows:

THE WORLD'S COURT LEAGUE believes that a League of Nations, erected upon the foundations laid in the existing Inter-allied Councils and in agreements among friendly nations associating themselves together for the maintenance of a just peace, should establish and sustain for the common welfare:

1. A World Court, or system of World Courts, with powers similar to those of the Court of Arbitral Justice agreed upon at the Second Hague Conference.
2. Commissions of Inquiry or Conciliation to consider international disputes not settled by negotiation, arbitration or judicial decision.
3. A World Congress, meeting at regular intervals, representing the nations that possess governments responsible to the people, and authorized to formulate and enact international laws.
4. A World Council, developed from the present Supreme Council and associated with the World Congress as an executive committee of the League of Nations.

For public information and education in international affairs, The League publishes *The World Court Magazine* monthly. Membership in The League includes subscription to this special magazine. In-

cluded in the organization of The World's Court League is an International Council of more than fifty men of reputation in international fields and a National Advisory Board of about one hundred American leaders.

Officers of The World's Court League include: Charles Lathrop Pack, President; Nicholas Murray Butler, President of International Council; Albert Shaw, President of National Advisory Board; Henry Clews, Treasurer; Samuel T. Dutton, General Secretary; Frederick E. Farnsworth, Executive Secretary; Charles H. Levermore, Corresponding Secretary; Frank Chapin Bray, Editor.

Office: Educational Building, Fifth Avenue and Thirteenth Street, New York City.



# THE LEAGUE OF NATIONS UNION

*President:*

VISCOUNT GREY OF FALLODON

A British organization founded to promote the formation of a World League of Free Peoples for the securing of international justice, mutual defense, and permanent peace.

Constituted by the union of the League of Nations Society and the League of Free Nations Association.

Associated with the American "League to Enforce Peace" and other kindred societies in the United Kingdom and abroad.

## OBJECT

The establishment as soon as possible of a League of Free Peoples desirous of ending war for ever, and willing to agree:

1. To submit all disputes arising between themselves to methods of peaceful settlement.

2. To suppress jointly, by the use of all means at their disposal, any attempt by any State to disturb the peace of the world by acts of war.

3. To create a Supreme Court, and to respect and enforce its decisions.

4. To establish a permanent Council which shall provide for the development of international law, for the settlement of differences not suitable for submission to the Supreme Court, for the supervision and control of armament and for joint action in matters of common concern.

5. To admit to the League all peoples able and willing to give effective guarantees of their loyal intention to observe its covenants and thus to bring about such a world organization as will guarantee the freedom of Nations; act as trustee and guardian of uncivilized races and undeveloped territories; maintain international order, and thus finally liberate mankind from the curse of war.

Address: 22, Buckingham Gate, S. W. 1, and Central Buildings, Westminster, S. W. 1, London.

A League of Nations. Speech delivered by Felix Calonder, ex-President of the Swiss Confederation, before the National Council (Lower House) of Switzerland, June 6, 1918.

The Political Department has, as you know, secured since the beginning of this year, with the Federal Council's assent, the coöperation, as permanent legal adviser, of Dr. Max Huber, professor at the Zurich University. . . .

One of the main tasks which devolve upon him consists in studying most thoroughly the different problems concerning the international order of the future, so as to provide the Federal Council with a report concerning these questions. His propositions and projects will be examined by a consultative commission: the results of this commission's deliberation will in turn be submitted, with an explanatory statement, to the Federal Council, which will then be able, with full knowledge of the matter, to determine its attitude. The Federal Council intends, in proper time to submit to the Parliament a report, treating of the whole problem. Professor Huber has begun his studies and the Federal Council has already decided to establish the Consultative Commission, to which I have just alluded. The Political Department will in proper time make proposals to the Federal Council concerning this commission's membership. . . .

Thus defined and organized, this preparatory work will, for the benefit of our authorities and of our nation, serve to clear up the problem of the future com-

munity of nations and will enable us to coöperate efficiently towards the realization of this high ideal towards which humanity is tending. We cannot and will not shirk this duty; for it lies in the general lines of history's normal development, which the present terrible war may have delayed but cannot check.

Ever since the Middle Ages gave birth to the Modern States, legal and philosophical theorists as well as practical statesmen have repeatedly expressed the idea of uniting the independent sovereignties into a community of nations. The unity of European culture and the increasing economic interdependency of states on the one hand, the recollection of the terrible consequences of past wars, on the other, have ever and again urged men to seek the conciliation of the different interests of States in an international order based on justice.

The peace of Utrecht was concluded in the year 1713. It put an end to the war of Spanish succession, a conflict which may in many regards be compared to the present war. On that occasion the great European powers thought they had found a key to the problem of international community by founding the world's order and security on the basis of territorial equilibrium. But this equilibrium being guaranteed by no permanent organization, remained absolutely unstable. One century later, humanity underwent the terrible ordeal of the Great Revolution and of the wars of Napoleon. The storm ended in the Vienna Congress. Here the Holy Alliance was founded, which claimed to apply the principles of Christian ethics to relations between states. But it soon became apparent that this international community headed by five great powers was meant to serve reactionary

policy, adverse to independence. So this attempt was doomed to failure and it weakened the great idea of an international community. But the idea survived.

The nineteenth century was nearing its close when Europe bethought itself again of the danger which loomed ahead and threatened to drag humanity into the whirlpool of a huge war. The principle of nationalities had expanded and asserted itself. The different states faced each other more compact than ever. The struggle for material power knew no limits. The development of technical science had reached an unprecedented level which allowed and facilitated formidable armaments. Far-sighted men in the field of politics, economic and military science detected the peril and clearly realized the disastrous consequences which would result from a war of which neither the duration nor the extent could be measured. In order to ward off the danger, Russia in 1899 took the initiative of the first peace congress. During the summer of 1899, delegates of all the European states and of some American and Asiatic states assembled in The Hague. Without in the least wishing to deprecate the importance of this first congress, it must be admitted that it was, on the whole, a failure; a failure due to the skepticism with which its aims were considered by the officials and diplomats of several states. The blunt indifference or the sarcastic derision which it aroused in wide circles of the common people also contributed in a great measure to mar its results. Here was a great idea misunderstood by a small humanity which proved unworthy of it. Nothing great can be accomplished in any sphere, least of all in that of



international relations, without a deep and mighty movement.

The second Hague Conference, in 1907, met with no greater success. No satisfactory results were attained, despite the fact that several states wished to advance further along the road already gone over at the first conference.

The plans suggested in 1907 hardly offered serious guaranty of peace and the Swiss Federal Council was, therefore, unable to give its adhesion to them.

The chief idea of the 1899 conference, the limitation of armament, was in no way realized. The agreements made concerning the peaceful solution of international conflicts are in the nature of timid compromises and betray a skepticism which does not dare to peer under the surface and fears to go to the bottom of things.

If now, from the depth of the infinite distress into which war has dragged mankind, we look back upon those conferences of 1899 and 1907, we cannot but think that a terrible drama was acted then.

With what an exaggerated distrust, with what a jealous concern of their entire liberty of action, did not several states, some more, others less, seek to avoid all seriously and effectively binding measures which might secure peace? All such measures were opposed as allegedly incompatible with national sovereignty.

And what now? Today all these states are chained up in a thousand bonds of mutual dependency which none of them has the power to loosen.

Humanity only, a humanity converted to the idea of international friendship and mutual esteem can change these conditions.

But the inevitable has come to pass. Whereas economic competition and class struggles are regulated within by national legislation, without the clashing of interests between states finally overthrew the comparatively feeble barriers of treaties and of international law and ended in the horrors of the war.

We have been led to consider the history of the last four centuries as that of the domination of Europe over the rest of the world. This period is doubtless at an end. In former times, despite the frequency of its wars, Europe had always managed to recuperate and to recover the necessary strength to accomplish its universal task, to maintain and increase its predominant situation. This was due to the absence of any other state which could seriously compete with European powers. In the course of the last century, this situation gradually changed and today the world shows us a quite different picture. Outside our continent there have arisen powerful states and peoples, susceptible of great development which the war has spared entirely or weakened only slightly, and which are successfully and efficiently entering into political and economic competition with the European powers.

The supremacy of Europe is at an end. In my opinion Europe can only seek to take its share of the world's work together with the civilized states of other parts of the globe. Even this it will only be able to do if a final stop be at last put to the atrocious wars which, regardless of all consequence, have always been waged as a result of the rivalry between European states.

So it has come to pass that out of the distress of the present time there has arisen a cry for a League of Nations, first in France, in England, among the neu-



trals, then also in Germany and Austria. The President of the United States of America and the Pope have voiced it with peculiar emphasis. The idea which in the past was left to much ridiculed pacifists and theorists has now penetrated into diplomacy and politics where it will prosper and never come to rest.

Doubtless the scheme suggested by the term a League of Peace, a Society of Nations, and similar catchwords, are varied and the sympathies which they arouse are certainly not everywhere the same. But the ice has been broken.

A lofty ideal, an inspiration to mankind, has entered the sphere of practical politics.

Will it stir up humanity so deeply and so universally that all obstacles in the path of its realization will be overcome? That is the question. For salvation can only come of this great idea if it gains ground everywhere and if the conscience of the nations be deeply and universally permeated with the necessity of a new conception of international policy.

Sooner or later the time must come when a decisive step must be taken. It will then be seen whether true reconstruction and thereby social progress will be possible or whether Europe shall for an indefinite period be again exposed to the repetition of destructive upheavals.

No country can have a more vital interest in the reorganization of the community of states than Switzerland.

Quite generally I could venture to say that no nation can hope to gain lasting benefits through the unlimited use of its power and through total isolation. Such a policy as that of unbridled might must finally bring ruin upon states and mankind.

But for a small country like Switzerland legal order is a vital necessity, a policy based on might a certain and constant cause of danger. The skeptical and distrustful may point to the special dangers to which international engagements, which are indispensable for the establishment of a new legal order and from which no State can escape if it wishes to coöperate in its establishment, expose small states whose development and freedom may be menaced thereby.

But, I ask you, does there not exist a far greater and more pressing danger in that the powerful states, making the most of international anarchy and lawlessness, might be tempted whenever they felt so disposed, to oppress their feeble neighbors? I am convinced that all that will be done for the prevention of armed conflicts, which more and more assume the character of universal destructive calamities, will, first of all, inure to the benefit of the smaller nations.

The probable imperfection of the international institutions of the future cannot and should not be urged as a sufficient reason for not earnestly striving for that realization. Switzerland has so much at stake in international conflicts, an atmosphere of ever impending war renders so precarious the very existence of our country, so impedes its development, that we must joyfully welcome all loyal efforts towards a better understanding between nations and towards the strengthening of the idea of peace.

However, I do not wish to overemphasize our own special national interests. They are not, in my opinion at least, the exclusive, not even the decisive factor which should determine Switzerland's attitude.

Above all, we have before us, and we should fully realize it, a great ideal of mankind. It is this ideal

which we wish to serve disinterestedly, with our entire devotion. Thus without seeking it, our country will derive the highest possible advantage from its co-operation: the consciousness of having faithfully accomplished its task in favor of humanity, and the right and power to maintain its rank as a useful member of the community of nations, entitled to the same rights as its associates.

But, in spite of all our ideal hopes for the future, we cannot and will not stray one single moment from the path of present and immediate realities.

We are unanimous, I am led to believe, in admitting that Switzerland cannot and must not adhere unconditionally to a Society of Nations or to any such international institution, but that she shall do so only if sufficient guaranty be secured that our national character, our independence, and our equal rights be maintained.

The measure in which a state may bind itself to a higher community is determined by the benefits and the security which this community can assure to humanity at large and to every state in particular. Therefore, we will begin by requesting our experts to examine closely all these questions and to determine the conditions on which Switzerland should insist before adhering to the new international legal organization, if such an organization is to be created.

National character is, and remains, the basis of all progressive development. Our world ideal is federative, not cosmopolitan. And just as the international community of the future must never imply the relinquishment of the different states' national character, so it must never weaken, but strengthen and deepen, the conscious devotion of all citizens towards their

native country. If any Swiss soldier should allege the hoped-for League of Nations as a pretext for shirking his military duties we would most vigorously oppose such sophistry. As long as our country is exposed to the dangers of war, it is the sacred duty of all her sons to be ready to sacrifice their property and life in the defense of its freedom and independence. He who is not capable of doing his duty towards his own country will not be a useful member of the international community.

From all that I have said, it follows that the strengthening of the principle of the law and peace in the relations between states is the high goal towards which the foreign policy of Switzerland must tend. This ideal is really not new for us: it springs quite naturally from our history and our national character.

Our democracy embraces four linguistic groups, which, faithful to their indestructible pact, feel themselves firmly welded into one nation on the basis of mutual respect.

If our country is so dear to us, it is precisely because of this rich diversity of local and linguistic values. This is the most precious source of our national ideals.

This diversity of tongue, this variety of ethnical elements has, indeed, its difficulties, its complications, occasionally its dangers. Switzerland's history proves it but too clearly. But we have succeeded in the past, and we will succeed in the future, in combining the diversified energies and endeavors of our nation into one mighty national creative activity. This, however, is only possible if our federal family be animated by feelings of strong self-sacrificing solidarity, and by a spirit of unconditional mutual confidence. This



absolute confidence is inconceivable without complete openness and friendliness of purpose.

The greatest Swiss German poet, the ardent patriot, Gottfried Keller, has aptly characterized the general tendency of our small and complex country's policy as being made of "friendship in freedom." Let us remain faithful to this national motto. Then, despite momentary disagreements, despite passing crises, we will be certain to fulfill our historic mission.

Switzerland's history is as a microcosm of the development of international relations. And our state, with all its political life, appears as the forerunner of the future Society of Nations. Never has a nation had a more clearly defined and more natural international mission than Switzerland at the present time. It is her destiny to favor peace and good will among all nations by showing the world by its own example that people of different blood and tongue can be united in a happy community, on the basis of mutual confidence, of freedom, and of equality.

As I have said above, the necessity of reorganizing international relations has been acknowledged by leading statesmen of most belligerent countries in both camps and also by distinguished statesmen in neutral states. In several countries, commissions have been appointed to study these problems. We are, consequently, not the first to take such decision.

Concrete propositions have not yet been officially made. This is quite natural, as we are dealing here with extremely difficult problems, with which statesmen and diplomatists have not heretofore very actively busied themselves.

On the other hand, we already possess important studies due to private scholars and to men belonging



to all classes of the population who have devoted much time to the examination of the idea of a League of Nations. I particularly wish to insist upon the fact that we will not only take into consideration the results of researches made by jurists and professional politicians. It would be a most unpardonable omission were we to disregard the many and, in part, very thoughtful monographs due to private individuals. No doubt this rich literature contains obvious errors. But it also offers valuable suggestions which should not be thoughtlessly dismissed.

Our attention will naturally particularly be drawn to the suggestions Mr. Scherrer-Füllemann made yesterday. As far as I am concerned, I am unable at present to formulate definite proposals concerning many of the questions to which the problem of the new legal organization gives rise. As I have said, I prefer to await the results of our expert's studies.

I will, therefore, make but a few remarks and suggestions for the present. First of all, it is important to define clearly the principles which are to underlie the new international organization, without previously determining all sorts of details.

The first practical result to be attained is the creation of institutions for the peaceful solution of conflicts between states. Conflicts of a legal nature, which may be examined and judged according to strictly legal rules, are to be submitted to international arbitration. One must strive to bring the states to pledge themselves to submit those clearly defined judicial questions to an arbitration court, if possible, without any restrictive condition.

On the other hand, international disagreements which are not susceptible of being legally judged and

settled, must be placed before special mediatory institutions. Here, likewise, it should not be left to the states to decide out of pure whim whether they shall resort to this mediation or not. It should be at least possible to obtain that all states pledge themselves to await the proposals of this mediatory body before resorting to war.

The possibility of inducing them beforehand to consider the recommendations of these tribunals as binding on both parties is a doubtful matter which must be seriously examined.

It is of serious import that both the arbitration court and the court of mediation be permanent and independent institutions. Otherwise they will hardly be able to accomplish their task and will not be constantly accessible and effective.

All means should persistently be used to draw the attention of all states and of public opinion everywhere to the great importance of these institutions.

Mr. Scherrer-Füllemann has also spoken of the international sanctions which must be foreseen in view of repressing transgressions of international law and of enforcing the execution of decisions which the states might refuse to carry out of their own free will. That is, in truth, the most difficult point of the whole problem. The sanction may be found in economic measures and even in military force. The possibility of applying this sanction will depend on the more or less compact cohesion of the international community. This particularly delicate side of the question cannot be avoided. We must examine it with utmost care and with special consideration for Switzerland's particular legal and economical situation.

The most important task to be undertaken is thus the guaranty of peace, that is to say, the means of avoiding that international disagreements give rise to dangerous conflicts. But this task is not the only one which it is incumbent upon us to consider. We must not neglect the development, in a general sense, of the international legal organization. The work of The Hague conferences must be systematically carried forward.

I am anxious to declare that it is useless and may even be prejudicial to conclude semblances of universally binding treaties which do not take into account what is really possible, and which neglect given natural conditions and circumstances. Experience shows that such treaties are not respected.

Nations differ so much in character, in development, and in needs that no sort of external uniformity should be forced upon them except in case of absolute necessity. It is not external uniformity towards which we must tend, but that freedom which will allow every nation to prosper peacefully through its own activity and not through abuse of its political power.

In this respect it will, perhaps, be useful to guarantee certain fundamental rights: I am thinking, for example, of the free access to the sea. Nor must it be forgotten that internal and external policy are bound to one another.

As war disturbs and hinders internal social development, so also can a lasting peace not be expected to exist between states as long as an implacable strife for wealth and supremacy rages between the different elements and classes of each separate state. The internal and external policy of the future should be dominated by this clearly recognized fact.

The success of a movement in favor of a Society of States will, above all, depend upon the spirit in which these problems are approached. In order to attain a really successful result we must seek with firm and loyal intention to overcome the wretched international situation of present times and to replace the notion of might with that of right. In order to realize these hopes, the statesman must reckon with the actual conditions. He must seek to attain an ideal with the means of reality. But he must not allow himself to stagnate in realism nor to be dominated by skepticism. Above all, let him not give way to that pessimistic discouragement which the present state of the world seems only too clearly to justify. Let him not approach these problems without the firm intention of hastening their solution. Without wholesome optimism, without joyful confidence in the possibility of a better future, no great political prize has ever been won, no great progress ever been achieved.



## A LEAGUE OF NATIONS

By SIR WILLIAM COLLINS, K.C.V.O., M.P.<sup>1</sup>

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The vision of a family or society of nations dwelling together in peace and concord has been for ages a favorite theme of prophet and seer, of idealists, philosophers, and poets, and attempts have been made at sundry times in the history of mankind to translate the vision into a reality.

The phrase a League of Nations, which serves to describe that vision, by itself connotes nothing and is not self-explanatory, but it denotes an aspiration, an ideal, a something devoutly desired by this world in travail with the birth pains of a new era, which shall terminate the horrors and tragedies and anguish of the last four dreadful years, and, please God, prevent their ever being repeated in the future history of our race.

It is well to trace the genesis of this enchanting ideal, to submit it to deliberate and reasoned consideration, to study its implication and application, to

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explore objections, difficulties, and obstacles in the way of its fulfillment, to endeavor to form for ourselves and to evoke in others sound views and clear notions on this much-talked-of topic.

The Judaic conception of a theocratic rule of the universe, with "a chosen people" as the instrument thereof, amid a heathen world, while it paved the way for a lofty idealism of justice tempered with mercy, did not lend itself to conceptions of international amity.

The ancient Greeks, by their Amphictyonic Councils meeting half-yearly at Delphi and Thermopylæ, sought by religious festivals to unite in one partnership, for mutual protection, the different races which spoke the Hellenic tongue. Their league excluded all others, collectively regarded as Barbarian, was in no sense international in its scope, and was even less potent in drawing the Hellenes together than were the famous Olympic and Pythian games.

The jurists and legislators of ancient Rome looked to annexation, incorporation, and consolidation, within the republic or empire, as the ideal of a *Pax Romana* rather than to the development of any international pact or agreement.

The dawn of Christianity, and the peace which Augustus gave the Roman Commonwealth, introduced a new spirit of human brotherhood and a common Fatherhood into a strife-worn world, while the universality of its apostolic teaching that all men were made of one blood, Jew, Greek, or barbarian, bond or free, gave to all nations of men who dwell on the face of the earth a mighty uplift towards the conception of a united democracy. In the ringing words of the Apocalypse: The kingdoms of this world are

become the kingdoms of our Lord and of his Christ, and He shall reign for ever and ever.

In the Middle Ages the Catholic church claimed to be the center of a *Respublica Christiana*, and taught that a unity of spirit should pervade separate nationalities and secure them in the bond of peace by its divine appeal. The spirit, however, which created the organization was in turn killed by the organization which it had set up; or rather, the instrument through which that spiritual ideal worked became corrupt, its power secularized, and its influence temporal, worldly, selfish, tyrannical. Poets like Dante still dreamt in the fourteenth century of a universal peace, with all the kingdoms of the world unified under one divine principality.

The Reformation, by emphasizing individual responsibility and the complete independence, temporal and spiritual, of each nationality under a sovereign head, left Europe without even the semblance of a unifying international or supernational agency which could effect conciliation or act as arbiter between peoples who claimed unlimited sovereignty while acknowledging a common Christianity. Europe, as Freeman has said, "was living in a Rome-less age"—the nations acknowledged no common center of lawful rule, no power which could speak to all with an authority higher than that of physical force.

Henri IV of France (1553-1610), inspired, it is said, by his Minister Sully (1560-1641), felt the want of such unifying influence in Europe no less strongly than he had felt the intolerable yoke of the Papal See, and he propounded a plan of a European Confederation or Christian Republic, the development of which

was frustrated by the knife of the fanatical assassin, Ravailac.

Hugo Grotius (1583-1645), the learned Dutch jurist, in his erudite work on "The Law of War and Peace" in 1625 made the first really practical attempt to find a basic principle for international comity outside the teaching of Church or Bible, and helped to establish thereby the reputation of the Netherlands as the home of law and liberty and the Parliament of Man.

In 1692 our own William Penn published his "Essay Towards the Present and Future Peace of Europe." In it he remarked that peace is usually broken by a desire to keep, to recover, or to add, giving rise respectively to wars of defense, retaliation, or aggrandizement. He contends that civil war and war between nations can alike be prevented by appeal to justice; that peace is maintained by justice which "is the fruit of government, as government is from society and society from consent." That consent of the governed is the best title of government. Penn then sketched out what he called a European Dyet or Imperial Parliament for Europe, and the representation of the various Powers therein, according to population and annual value. He was not blind to the objections which would be raised to his plan, and he endeavored to meet or discount them. The alleged loss of sovereignty of participant Powers he met by asserting that their sovereignty at home remained intact, and that as they now had no sovereignty over one another that could not be lost. The assertion that effeminacy or lack of occupation must result from disarmament he met by advocating disciplinary education and the pursuit of industry, science and art, as

affording a more excellent way of life than the trade of soldiery. Among the benefits he anticipated from the adoption of his plan were the gains to humanity and Christianity, the avoidance of waste and ruin, the diversion of national expenditure from destructive to constructive effort, the security for travel and traffic consequent on a state of peace, the safety of Christendom from Turkish inroads, reciprocal hospitality between different peoples and their rulers, emulation in works of learning, law, arts, and charity, and the establishment of mutual confidence, sincerity, and natural affection. He expresses the hope that the inauguration of this League of Peace might emanate from England, and adds, "I will conclude this, my proposal of an European Sovereign or Independent Dyet, Parliament, or Estates, with that which I have touched on before. . . . that by the same rules of justice and prudence by which parents and masters govern their families, magistrates their cities, and estates their republics, and princes and kings their principalities and kingdoms, Europe may obtain and preserve peace among her sovereignties. For wars are the duels of princes; and as government in kingdoms and states prevents men being judges and executioners for themselves, overrules private passions as to injuries or revenge, and subjects the great as well as the small to the rule of justice, that Power might not vanquish or oppress Right, nor one neighbor act an independency or sovereignty upon another, when they have resigned that original claim to the benefit and comfort of society; so this being soberly weighed in the whole and parts of it, it will not be hard to conceive or frame, nor yet to execute the design I have here proposed."



No one can read that essay of Penn's today without being struck by its modernity, its appositeness, and its presage. That seventeenth century Europe which produced minds like Penn and Milton here, like Grotius and Oldenbarneveldt in the Low Countries, as well as the men of the *Mayflower* who went west in search of liberty, and founded New England, has indeed its lesson for us today.

Vattel (1714-1767), a Swiss jurist, deserves notice as the author of a work in 1758 on the law of nations or principles of natural law applied to the conduct of national affairs and of sovereigns in which the same notion of a society of nations was implicit.

Immanuel Kant (1724-1804), that prince of philosophers, of Scotch as well as German origin, in his later years, by his hatred of war, which he denounced as "the origin of all evil and all wickedness," was led to propound a scheme of "everlasting peace" to be effected through an international union of states. He taught it as "a necessary idea of reasons," which, though scoffed at by his contemporaries, he contended would become feasible as autocracies were superseded by democracies. As the liberty of the individual is restricted within the comity of society, so he held must the liberty of a state be restricted in a comity of states. In either case, justice and law should set the bounds, not force or violence. In the constitution of a world-wide republic, Kant foresaw the only guarantee of perpetual peace.

Jeremy Bentham, who died in 1832, should be gratefully remembered for his essay on "A plan for a universal and perpetual peace," as well as for having coined the word "international," perhaps more valuable in its implications than the "utilitarian" philoso-



phy he propounded, and not less likely to make for "the greatest happiness of the greatest number," the formula which he invented and advocated.

Mazzini (1805-1872), by his "Thoughts on democracy in Europe," redeemed his country from the reproach of Machiavellian doctrine, and dreamt of a unity of democratized Europe, as well as of Italy.

A sort of an attempt at a League of Nations, one of evil memory, which serves to indicate rather what to avoid than to follow, was the so-called "Holy Alliance." A century ago, or, to be precise, in 1815, after Europe had been exhausted by the Napoleonic wars, the Czar Alexander I, at the inspiration, it is said, of the eccentric and mystic Baroness von Kruedener, joined with Francis I of Austria and Frederick William II of Prussia in a treaty which, in the exalted religiosity of its language, appeared to herald a reign of peace on earth. "In the name of the most holy and indivisible Trinity" it sought to found a theocracy upon precepts of justice, Christian charity, and peace. "Conformably to Holy Scripture" the three high contracting monarchs bound themselves into a true and indissoluble fraternity as "one family in God." The sole basis for the use of force was to be that of doing each other reciprocal service, and thus to secure a durable peace. It was to be open to all other Powers avowing the same sacred principles to accede and adhere to this "Holy Alliance."

George IV, who was then Regent, when invited to join, replied that while he entirely concurred with the principles laid down, constitutional usage precluded him from signing the Treaty without the counter-signature of a Minister, but nearly all European sovereigns did, in some form or other, adhere to this strange convention. There were not wanting, how-

ever, contemporary critics who were skeptical of the approach to the millennium by this path of monarchical alliance. Thus Castlereagh, our then Foreign Minister, disrespectfully described it as "a piece of sublime mysticism or nonsense," the outcome of "evangelical exaltation," and the crafty Metternich denounced it as "a loud-sounding nothing." It was, indeed, despite the lofty sentiments of its authors, foredoomed to failure. It lacked the sound basis of democracy. The Czar Alexander was doubtless sincerely imbued with the notion of a brotherhood of the Sovereign Heads of States, but it was inspired by a belief in the divine right of kings, and when in 1849 Hungary rose in assertive independence against the autocratic dominion of Austria, the holy compact was called in aid by Emperor and Czar to crush the democratic movement. In recording the collapse of that ill-fated endeavor towards unity of action on the part of the great Powers of Europe, we may, nevertheless, mark its antecedence of that movement of 1899, also emanating from the Czar of Russia, which led to the assembly in that year of the first Peace Conference at The Hague.

The latter half of the nineteenth century witnessed attempts by means of the so-called Concert of Europe to maintain a balance of power, whose uncertain center of gravity was the disintegrating territory of Turkey in Europe. After the defeat of France in 1870 this so-called concert came to be overshadowed by ominous groupings of the Great Powers into the Triple Alliance of Germany, Austria-Hungary, and Italy, and the Dual Alliance of republican France with imperial Russia. The drift of Great Britain towards France in the *Entente Cordiale*, the *affaire Marocaine*,

and the troubles in the Balkans, served to show the unstable equilibrium, mutual apprehension, and distrust which divided Europe into hostile camps before the crime of Serajevo was seized upon by Germany to precipitate the world-wide war which the last four years have witnessed.

Thus it will be seen from the foregoing review that what is new about the movement for a League of Nations is not so much the vision itself, which has engaged and inspired the best and broadest minds for centuries, but the widespread belief now prevailing as to the practicability of the realization of the vision. To this end many organizations and associations in many lands are at work, and have been doing good service in recent years. In this connection mention should be made of an international organization of great value and of greater promise towards the enthronement of public right among the nations of the world. I mean the Inter-Parliamentary Union. It had its origin in a preliminary conference in Paris in 1888, and has since held eighteen international congresses in Rome, Berne, the Hague, Brussels, Budapest, Christiania, Paris, Vienna, St. Louis, Berlin, Geneva, and London. It consists of members of legislative assemblies of twenty-three nations, and in 1913, when the last congress was held, it claimed no fewer than 3,500 members. Each nationality has its own organization, while there are councils and commissions of an international constitution, with an organizing secretary for the whole union, Dr. Christian Lange, of Norway. Its defined aim is "the uniting in common action of the members of Parliament constituted in national groups, in order to bring about the acceptance in their respective countries, either by legislation or by

international treaties, of the principle that differences between nations should be settled by arbitration or other ways either amicable or judicial. Its aim is also the study of other questions of international law, and in general of all problems relating to the development of peaceful relations between nations."

I was early interested in the union through my old friend, Sir William Randal Cremer, and have been a member thereof and of the British group for many years, and have attended and taken part in conferences at Geneva, Brussels, the Hague, as well as in London, at which latter the late Sir Henry Campbell-Bannerman made the memorable speech in the course of which he declared "*La Douma est morte. Vive la Douma!*"

The war has temporarily paralyzed the work of the union, but its group organization remains ready for action the moment opportunity offers. Twice since the war the British group, of which Lord Weardale is chairman and I am one of the three honorary secretaries, have issued public statements, the first on war aims and the last on July 22 of this year on a League of Nations. In the course of the latter we said: "The officers of the British group of the Inter-Parliamentary Union have observed with gratification that public opinion, at any rate in the Allied countries, has increasingly rallied to the great ideal which the union was founded to promote, and in their Parliaments and among their leading statesmen general concurrence is now publicly proclaimed in the principle of a Society or League of Nations. Both in debate and in pamphlet form responsible men of all parties have set forth, with reasoned force, the determination which the democracies of the world are clamorously asserting, that the



terrible convulsions through which we are now passing must bring about the termination forever of the sinister plottings of secret diplomacy and the unrestrained license of autocratic militarism. It may be confidently affirmed that the ideal of the Inter-Parliamentary Union has been widely adopted, alike in the new world and the old. The voices in the Allied and also in neutral countries that are opposed to its adoption are only those of a negligible minority. Nevertheless, the increasing study and attention which are being bestowed upon the subject have made it manifest that no League of Nations could be real and effective for the purpose in view unless it were of a general and all-embracing character. Exclusion or abstention of any leading Power, or even of any number of minor states, would be fatal to its utility, since it would then inevitably lead to combinations and groupings similar to those leagues of evil memory which in past history have proved to be the cause of war rather than the guarantee of peace."

Turning our attention to the difficulties in the way of achievement of a League of Nations, there can be no doubt that the first and by far the greatest is the constitution of the Germanic government, the principles which underlie it, and the practices which flow from these principles.

It is well to realize what are the present obstacles to the democratization of Germany. These are to be found in the constitution of the German empire since 1871.

Although the Reichstag is a representative legislative body for the whole empire, elected on a wide suffrage, and its consent is required for taxation, the executive government is not responsible to it. The



Kaiser is the executive; he appoints and removes the Imperial Chancellor, who is responsible to him alone, and is assisted by secretaries, who administer the departments. There is no cabinet. In his recent speech to the workmen at Krupp's, the Kaiser reiterated his claim to rule by Divine right. He said: "Each one of us has received his allotted task from on High—you at your hammer, you at your lathe, and I on my throne." Moreover, there is another legislative body besides the Reichstag, *viz.*, the Bundesrath, which is a federal council, constituted of delegates from the twenty-five states which compose the empire. It has judicial and administrative as well as legislative and diplomatic powers. Its consent is requisite to all legislation passed by the Reichstag, and its proceedings are private. The sixty-one delegates who compose it are nominees of the rulers of the German states, and they vote as they are instructed—that is, as the dynastic rulers dictate. Prussia has seventeen delegates who, with three for Reichsland (Alsace-Lorraine), give twenty votes to the king of Prussia—the Kaiser. Bavaria has six, Saxony four, Wurtemberg four, the remaining states have three, two, or one apiece, seventeen having one only. Thus the permanent hegemony of Prussia is virtually secured.

Prussia, it is true, is larger than all the other states put together, and has about two-thirds of the territory and the population of the empire. How is Prussia ruled? Its Landtag or Parliament consists of two Chambers—a House of Lords and a House of Representatives, elected under an unreformed constitution ninety-eight years old. The Upper Chamber is composed by royal ordinance, and consists of landowning

nobility or Junkers—Conservative and militarists to the backbone. It can veto the legislation passed by the Lower Chamber, and can itself be vetoed by the king of Prussia—the Kaiser. The House of Representatives, so-called, is supposed to represent 40,000,000 Prussians. It is true that every man of twenty-five or over has a vote, but voters are in each district divided into three classes, according to their taxable wealth.

Each class elects delegates to a Convention, which Convention indirectly elects representatives to the Lower House. Voting is not by ballot as in the case of election to the Reichstag. Thus is manhood suffrage manipulated to defeat democracy and give preponderance to property. In 1900 the Social Democrats, who cast a majority of votes under this anomalous Prussian franchise, secured only seven seats out of 400. Thus it is evident that Prussia, with its antiquated franchise and its domination of the Bundesrath, and under the dominion of a monarch claiming to rule by divine right alone, blocks the way to responsible parliamentary government as it obtains among free democracies. Prussia, as a country of soldiers, officials, and landed nobles, largely moulded the unity of Germany by blood and iron, but she has crushed the Liberalism which Kant, Fichte, Goethe, and Schiller voiced in the earlier years of the nineteenth century, and has hitherto successfully repressed progressive efforts after constitutional reform and democratic internationalism.

Another obstacle in the path of a League of Nations besides the autocratic powers is, in the minds of many, the project of selfish economic combinations within the League or the employment of any form of

economic boycott or exclusion, except as the power of economic penalty or exclusion from the markets of the world vested in the League as a means of discipline and control. The repudiation of such tariff war after the war is one of President Wilson's five cardinal points in his latest speech. There is also the peril of political combinations or *ententes* within the League. We often speak as if the only trouble that could arise would be the case of some one Power proving recalcitrant or refractory, and that the combined force of all the rest would be invoked to coerce such Power; but the possibility of a group of Powers among the forty or fifty which may be within the League must be envisaged, and even the possibility of two nearly equal groupings of all the Powers into opposed camps on some question or other. To diminish this risk the precaution is proposed to forbid in advance any covenants or understandings between the members which are not made known in their entirety to the rest of the world. Even then we have to assume that the recalcitrant to the general judgment must be in the wrong, and that force to the uttermost is warranted against such *Athanasius contra mundum*. Thus we are thrown back on the assumption that impartial justice as dispensed by the international mind will always prevail in questions of difference, and that each nation, as should be the case with each individual, should so act that it or he should wish such action to be the universal action. There will be need for high ideals and unselfish aims even in a family of nations.

I spoke just now of the Inter-Parliamentary Union. Since the war many new organizations have, however, cropped up in many lands having for their object those formulated by the Inter-Parliamentary Union.

There is the League to Enforce Peace, founded July 4, 1915, under ex-President Taft, which seeks to bind the signatories to submit all otherwise unsettled justiciable questions to the judgment of an Arbitration Tribunal, and all disputed international questions which transcend jurisprudence to a Council of Conciliation for consideration and recommendation.

There is the League of Nations Society, founded in March, 1915, of which I have been a member from the first, with much the same objects in view. There is the League of Free Nations Association, which appears to have split off from the former this summer, and differs only on minor points of procedure from the earlier society, and steps are now being taken to reunite them.<sup>1</sup> There is also the League to Abolish War, which came into existence in May, 1916, with Mr. Barnes as chairman, which seeks to include and bind all Powers to submit all disputes, without exception, not otherwise settled, to the arbitrament of a Hague Tribunal and to secure the enforcement of such Tribunal's findings by economic boycott or armed international force.

It would, indeed, be a matter for regret if energy were dissipated in advocating claims of rival organizations rather than in combining and concentrating on lines common to them all.

Everyone has, at any rate, had the opportunity of reading Viscount Grey's booklet of fifteen pages, dealing in simple language with "A League of the Nations." I sat with Sir Edward Grey for several years in the House of Commons and studied him closely. It might be said of him, as it was said of

<sup>1</sup> The reunion of the two groups has recently been effected under the name of The League of Nations Union. A statement of its objects will be found on page 21.



Burke, he is "animated moderation." Some of us thought him at times rather cold and too much obsessed by "reasons of State," notably in the case of the Den-Shawi incident. He nevertheless exercised almost hypnotic influence over the House by his straightforward sincerity of purpose and preference for simple statement of fact and opinion over flowery rhetoric. No man was ever less visionary, and yet we find him quitting his retirement, urged by irresistible impulse, to appear in print in cordial espousal of a League of Nations to secure the future peace of the world, such League to include a democratized and regenerated Germany and to be invested with economic, military, and naval powers to enforce its sanctions against any recalcitrant member.

It is unnecessary to quote similar expressions from President Wilson, who has so felicitously expressed the civilized conscience of mankind, or Mr. Asquith's noble utterances to similar effect from the earliest days of the war. Lord Robert Cecil and Mr. Balfour likewise have warmly espoused the principle of a League of Nations, and since January of this year the present Prime Minister has come into line with the President of the United States in repeated speeches which he has made.

When in December, 1916, I was invited to re-enter Parliament as a member for Derby I promised to support the present government in the vigorous prosecution of the war so long as Prussian militarism was undefeated and unrepudiated. In speaking in the House of Commons on December 19, 1917, I stated the views I have always held on war aims and the conditions of international peace. Kaiserism and Prussianism could not, I submit, enter or survive in such atmosphere as is vital to any real League of Nations.



As with individuals, so with nations, their powers and activities are, or should be, unlimited so long as they have regard to themselves alone. Where, however, they become members of a society, their activities must be limited to the extent of securing like liberties for other individuals and nations, in obedience to that "Law of Equal Liberties" which Herbert Spencer, a native of Derby, was never tired of expounding. Law and liberty are correlative. As the individual, in the name of individual liberty, consents or is required to submit to this law of equal liberties, so a nation as one of a family or society of nations, while retaining full sovereignty over its own internal, municipal affairs, must consent or else submit to an international, supernational obligation in affairs which affect sister nations, whether great or small. It is not surprising to find that democratic countries or free peoples are more ready or better qualified to enter into a League of Nations based on justice and mutual respect than are those who, living under autocratic rule or the dominion of the divine right of kings, are unfamiliar either with the rights or the obligations of a State with true liberty.

To those who still regard Might as the only Right, might or force is, no doubt, the most powerful argument to which appeal can be made, and those who take the sword are apt to perish by the sword, unless and until they learn the lesson that Right is greater than Might, justice more potent than weapons of war, and agree that nations shall not again lift up sword against nation nor learn war any more.

As with individuals so with nations. Time was, and not so long since, when individuals deemed it necessary to decide affairs of honor by recourse to personal

violence, with rapier or revolver, and the infliction of injury or mortal wounds. Personal honor no longer demands or requires such satisfaction, and has not become less honorable on that account. So with nations and peoples that lesson has still to be learned, but will assuredly yet be learned, that international disputes, even touching affairs of honor, do not demand a holocaust of victims so much as appeal to reason and justice in impartial tribunal of conciliation or arbitration. Thus may come about that time which Tennyson contemplated:

“When the common sense of most shall hold a fretful  
realm in awe,  
And kindly earth shall slumber lap't in universal  
law.”

It was he who foretold so truly:

“The nations' airy navies grappling in the central  
blue.”

May his prophecy be no less valid of that era

“When the war drum throbs no longer and the  
battle flag is furled,  
In the Parliament of Man, the Federation of the  
World.”

God grant it may be in our generation that

“The sounds of strife grow fainter till they cease,  
Till like a bell with solemn sweet vibration  
We hear once more the voice of Christ say  
‘Peace’!”

*September 30, 1918.*

A League of Nations. Address delivered by Charles R. Van Hise, late President of the University of Wisconsin, at the Wisconsin State Convention of the League to Enforce Peace.

(Reprinted from *The Evening Post*, November 30, 1918)

The war is won. Therefore this Wisconsin State Convention of the League to Enforce Peace becomes of even greater importance than when it was planned. The realization of the League of Nations, the very purpose for which the League to Enforce Peace was organized, should become the paramount purpose of this convention.

If, when the terms of peace have been concluded, some way has not been worked out so that gigantic wars will not recur, we shall be obliged to conclude that the human being has not travelled sufficiently far along the road of rationalism to learn even by the most bitter and costly experience.

The proposal which has met general approval for preventing war is a League of Nations or, to introduce a recent qualification, a League of Free Nations. The President of the United States and the Premier of Great Britain are definitely committed to a League of Nations, and high officials of France, Italy, and Japan have expressed warm sympathy with the principle.

The League must be created as an integral part of the terms of peace. This is the golden opportunity. If it be allowed to slip away and each of the Allied

nations again devotes itself exclusively to its own interests, it will then be very difficult to form an effective league. Now, when the Allied nations are acting together in all that relates to the prosecution of the war and the terms of peace, is the time that they are most likely to agree upon obligations to prevent the recurrence of wars.

In regard to the covenants of the League, proposals have been made ranging from a complete United States of the World to an alliance with vague and general obligations. A number of interesting plans have been worked out for the United States of the World, but so far as I have met men in this and other countries—and my opportunities in England have been exceptionally fortunate—I know of no man who believes that a United States of the World is now a practical proposal. If, in the future, there is such an organization, it will be a growth. Therefore, I shall consider the problem of a League of Nations from the minimum rather than the maximum point of view.

What are the minimum obligations which the nations entering into a free league will be willing to accept, but which will be sufficient to make the league effective for the purpose for which it is primarily created—the prevention of war?

All the proposals that I have seen concerning a League of Nations provide for a separation of cases arising between the members of the League into two classes—justiciable and non-justiciable. All agree that justiciable cases should go to a regularly constituted court, either the existing Hague Court or a new court formed directly under the League.

For the non-justiciable cases it is agreed that in the case of a difference between two nations, which they



themselves are unable to settle, they shall not go to war with each other until the members of the League, not parties to the controversy, have had the grounds of difference investigated and have made recommendations for settlement.

The method of reaching the recommendations raises the question of the nature of the organization of the League. It is suggested that it will be advisable for the body created by the direct representatives of the nations in the League to confine itself to essentially legislative functions. This body should control policies; it should create instruments and agents to carry out these policies. The actual work should be done by these instruments and agents. A League of Nations composed of a considerable number of members could well consider and control policies. It could not wisely undertake the investigation of a difference between two nations and make recommendations concerning the same. These duties should be performed by a quasi-judicial body analogous to a commission.

Presuming, therefore, that the investigation in any case will be made by a commission or council appointed by the members of the League not parties to the controversy, its recommendations, whether unanimous or by majority, must be final, precisely as the determination of a court, whether unanimous or by majority, is final. To require that the recommendations of a tribunal shall be unanimous, or after their consideration by the members of the League the League itself shall be unanimous, as has been seriously proposed, would be a decision at the outset to make the League of Nations futile.

The case of the nobles of Poland, who acted under the principle of unanimity with calamitous conse-



quences to that country for more than a century, is a conclusive illustration. On the other hand, the acceptance by the American people of the decisions of the Supreme Court of the United States, often with a bare majority, upon most momentous questions, some of these between the several States during the early years of the Union, when the States were being cemented into a nation, is conclusive evidence of the soundness of the principle advocated.

The next question that arises is what is to happen if a nation of the League goes to war contrary to the recommendations made. It has been proposed, indeed strongly urged, by many who are advocating a League of Nations that all members of the League shall bind themselves in such a case to support the attacked state with their armies and navies, and also economically.

It does not seem to me that it will be practicable to secure the agreement of the nations to such a condition and I, therefore, propose as a substitute that they agree that any nation in the League shall be free, if it so desires, to support the attacked state with its army and its navy; and that all the members of the League agree absolutely to boycott the offending nation, to have no trade or communication with it in any way whatever, to treat it as an outlaw among the free peoples of the world.

So dependent are nations upon one another in these days of instantaneous communication, rapid transportation, and international commerce, that it seems to me any nation would be very slow to go to war contrary to recommendations which had been made upon its case, with the certainty that the war would have to be prosecuted entirely upon its own resources, that no help could be in any way derived from any other

nation; not only so, but that in relations other than war it would be treated as a leper.

In regard to differences between states members of the League, and states not members of the League, the League of Nations should be free to follow precisely the same procedure as if both nations were members of the League, and whether or not the nation outside the League requested it, should take steps for the investigation of differences and the making of recommendations. If the nation outside the League attacked a nation within the League before the case was investigated and recommendations made, or contrary to the recommendations, then, again, the nations of the League should be free to support their ally with their armies and navies and should be bound to support it by complete boycott of the offending state.

In case of a controversy between two nations altogether outside the League, probably it is not wise to propose that the League should do more than tender its good offices to settle the difference which threatens war, precisely as if the two states were members of the League. This offer might not always be accepted, but if it were accepted by one state and not accepted by the other, it is inevitable that the state that was attacked contrary to the recommendation would have at least the moral support and influence of the nations of the League, and no war has ever illustrated the mighty power of moral support as has this war which is just being finished.

The second fundamental point upon which agreement must be reached by the League of Nations is in regard to armaments. At the end of this war, the great nations involved will have mighty armaments upon land and sea. They have maintained these arma-

ments by borrowing enormous sums of money. After the termination of the war, the current expenses for any country must be reduced to the income derived from taxation, and that income must in addition provide for the interest upon the colossal war debt, and if possible some increment toward liquidation. It is, therefore, clear that armaments as they exist at the end of the war cannot be maintained. They must be reduced, however jingoistic a nation may be. It is obvious that it cannot be proposed that armaments shall be equal for all nations. It cannot be suggested that Liberia and Great Britain shall have armies and navies of the same size. The reduced armaments should be proportioned to the importance and power of the nations.

As a first approximation toward this, we may suggest that the disarmament shall be proportioned, and that the disarmament under this principle be carried as far as possible. To illustrate for the navies: Great Britain, at the end of the war, will have a fleet upon the sea substantially three times that at the beginning of the war. To maintain a fleet in times of peace is almost as expensive as during war. The men must be paid, the ships kept in repair. It should, therefore, be agreed that the British sea-going fleet shall be reduced to, say, one-third, one-fourth, one-fifth, one-tenth, or any other fraction which may be decided upon of the power of the fleet at the end of the war, the reduction to apply, so far as practicable, to each class of ships. In regard to the ships which are put out of commission, the guns would be dismantled, and the ships placed at anchor in the harbors. In case of necessity they would be available rapidly.

The proportion agreed upon would apply to the United States and to all other members of the League.

The proportional reduction of armies is not so easy to illustrate in simple terms, but the principle of armaments in proportion to power and influence should be applied so far as practicable.

It is to be noted under the principle of proportional disarmament that each nation would have the same relative power that it possessed before such action. I am glad to be able to state that Lloyd George supports the principle of proportional disarmament. In the majority of proposals which have been made it has been provided that all the free nations that desire to enter a League may do so. A League thus formed would consist of many nations. Recognizing the very great difference in the strength and influence of the members of such a group of nations, various schemes have been suggested for proportional influence; but all the schemes, it seems to me, present insuperable difficulties because of the pride of nations of intermediate power and influence. These would claim as their right the same position as the first-class Powers.

It, therefore, appears to me that to form a League of Nations which shall at the outset include all the free nations that wish to enter is inadvisable. The League of Nations should at first consist of the free nations which have borne to the end the larger part of the burden of this war against autocracy, *viz.*, the United States, England, France, Italy, and Japan. The organization of such a League under the principles above given, even if it included no other nation, would go far toward sustaining the future security of the world. Even covenants to the extent above outlined of the English-speaking peoples would be a



mighty influence in that direction. If the League of Free Nations is first limited to the five Powers named, the difficulties in regard to representation are overcome. They will have equal representation. The difficulties of disarmament are largely overcome. These nations have acted together; their interests are common; they are in sympathy. They will work out a plan under the general principle of proportioned disarmament, maintaining in the aggregate a power sufficient to secure the peace of the world. The League of the five nations once formed, other nations would be admitted under the constitution of the League, and they would have the rights and powers given them under that constitution.

A question which immediately arises is, Shall Germany, which country is already committed to the principle of a League, be admitted under the terms of its constitution? My answer is that as soon as the German people have shown that they are a free people, wholly independent of autocracy, have completely abandoned the evil doctrine of Might and are ready to support the existence of a moral order in the world, that nation should become a member of the League of Free Nations. This would mean that Germany, once admitted to the League in the matter of armaments as well as others, should be treated upon the same basis as the other five Powers. But there should be the strictest guarantees that the agreements should not be surreptitiously disregarded. If Germany is allowed to unduly expand her armies, this will start again in the world the race for enormous armaments.

Another question that arises in connection with the admission of Germany to the League is the economic



treatment of the Central Powers after the war. In this matter, to my mind, there are two phases, that of reconstruction and that of a permanent policy following reconstruction. It is possible, indeed probable, that during the period of reconstruction, there will be a shortage of essential materials. I hold that during this period the needs of the Allies must have preference, since the restoration of Belgium, France, and Serbia has been made necessary in large measure because of the ruthless and unlawful acts of the Central Powers.

Following the reconstruction period, when the world has assumed its normal condition, the Central Powers should be placed upon precisely the same economic basis as are other nations. Each nation, with regard to tariff and similar policies, will retain its own autonomy; but the League of Nations must see that no nation within the League which has equal treatment with regard to raw materials shall pursue unfair practices in international trade. In short, unfair practices in international trade, illustrated by dumping, must be outlawed, precisely as are unfair practices in national trade. In this respect, Germany has been an offender in the past; and only when she reforms completely shall she have the same treatment as other nations with regard to raw materials.

In making the above statement, I wish it clearly understood that if I were in a position of power, I should be implacable in imposing upon Germany, to the utmost limit she is able to bear them, the full penalties for all actions which she has taken contrary to international law. When peace has been concluded, the sanctity of international law must be reestablished. The small nations which have been outraged contrary

to international law, so far as possible, must be reimbursed for all the wrongs they have suffered. This position is not taken with the idea of revenge, but from the point of view of justice and the necessity of convincing every German that all violations of international law will carry their inexorable penalties.

There is not space and it is not appropriate for me to discuss the further terms of peace. They undoubtedly will be severe. However, having been imposed and the penalty having been exacted, the past should be eliminated from further consideration and a course of justice pursued. Only so can there be permanent peace in the world. It cannot be denied that the Germans are a great people, and that if permanently kept out of a League of Nations, Germany will be the center of another group of nations; and we shall have the old balance of power between the League of Free Nations and another League of Nations led by Germany. There can be no permanent peace which does not include finally all the great nations of the world in the League of Free Nations.

In accordance with the ideas of General Smuts recently expressed at a dinner in England, I hope that the world of the future may be a free world, an organized world—that is, a world with a League of Nations—and a friendly world.

In order that the League of Free Nations shall have permanence and its influence grow, it is necessary that it shall have something to do. In the matter of justiciable cases this is provided for. The non-justiciable cases would be sporadic. They would doubtless be handled as they arose by appropriate agents, appointed for the purpose. However, the terms of peace are likely to require a number of international

obligations. It is clear that the Dardanelles must be made open to the peoples of the world; they must be internationalized. It is generally believed that the German African colonies should not be returned to that country. With the exception of Southwestern Africa, the administration of these colonies in the interest of their peoples might well become an international obligation. New states have been created through the disintegration of Russia and will be created by the disintegration of Austria. It will be necessary that these states have a big brother to assist them when necessary until they get on their feet, precisely as the United States served as a big brother for Cuba until she was able to act independently. This is international work. It seems to me that this function should be exercised directly through the League of Free Nations. An organization shall be created by it to handle international responsibility in the interests of the world. This will involve the setting up of an appropriate government in each case, the apportioning of the necessary protection and the allocation of the required funds among the members of the League. From time to time, as need arises, a helping hand should be given, but always with the purpose of developing a province exclusively in the interests of its inhabitants and finally, when the time comes, of establishing self-government. This passage from government by an instrument of the League of Nations to self-government in each case should be the ultimate goal.

The foregoing discussion assumes that the United States will become one of the great nations of the Free League. This is a complete abandonment of the traditional policy of isolation.

Already in this war the United States has abandoned the policy of isolation and has acted in practical alliance with the great Powers fighting Germany. It is true that the President has always alluded to the other Powers as our associates in war rather than as our Allies; but in every respect in the conduct of the war the United States has acted precisely as have the other members of the alliance. Indeed, the United States has taken leadership in making the alliance stronger and firmer through a common command of the fighting forces, through coöperation in the feeding of the Allies, and through the apportionment of the materials of war.

In the second place, even if we had not already abandoned the policy of isolation, sooner or later it would have been necessary to do so under the conditions of the modern world. The policy may have been wise when the Atlantic Ocean was a great gulf between America and Europe. Transportation and communication were so slow that the United States could pursue policies independent of those followed in Europe. However, now that communication is instantaneous and transportation so rapid that goods cross the Atlantic in less than a week, and the trade of each nation depends upon materials derived from other nations, isolation is no longer possible. The world has become one body, and no great member of it can proceed independently of the other members. They must act together; and this is only possible through formal treaty covenants.

It seems clear that if the United States now shirks the responsibility of entering the League of Free Nations, it is inevitable that some time in the future she will again be obliged to intervene in a war for



which she is in no way responsible and the initiation of which she had no means to control. Because of the intimate international relations, if a world conflagration again starts, it is almost inevitable that we shall be drawn into it precisely as we were into this.

Finally, it should be pointed out that the proposal to join a League of Free Nations is fundamentally different from joining an alliance of the kind which was met when the doctrine of avoiding entangling alliances was developed. The danger of joining an alliance is that this alliance will get into armed conflict with another alliance. The plan of balance of powers between alliances in Europe, we know, has led to disastrous wars from time to time. If it were proposed that the United States should enter into an alliance with one or two Powers of Europe, the objection would hold that it would be entering into an entangling alliance; but the proposal is that the United States shall enter a League of Free Nations, which shall at the outset include the great dominant free nations and which shall finally include practically all nations. This is not an alliance, but a step toward coöperative world organization, and therefore World Peace. Not only should the United States enter the League of Free Nations, but she should take the position of leadership in its formation to which she is entitled from the commanding influence which she is exercising at the present time in the councils of the world.



## INTERNATIONAL ORGANIZATION

## An Annotated Reading List

By FREDERICK C. HICKS

## PREFATORY NOTE

The purpose of this list is to indicate a limited number of books and magazine articles which collectively give some idea of the problems involved in international organization. It is made up of illustrative material, and is not intended to be exhaustive. At the same time an effort has been made to arrange the groups of titles in a logical order, so that they may form a guide for serious study. For the most part only works in the English language have been listed.

Additional material may be found in the publications of the Carnegie Endowment for International Peace, a full list of which appears in an appendix, p. 116. The recent publications of the American Association for International Conciliation are listed on p. 130.

F. C. H.

## CONTENTS

1. FUNDAMENTAL CONCEPTS . . . . .	69
<i>a.</i> The State . . . . .	69
<i>b.</i> Sovereignty . . . . .	70
<i>c.</i> Equality . . . . .	71
<i>d.</i> Nationality . . . . .	72
<i>e.</i> Sanction for International Law . . . . .	75
2. BALANCE OF POWER . . . . .	77
3. EARLY PROPOSALS FOR INTERNATIONAL ORGANIZATION .	79
4. ARGUMENTS FOR A NEW WORLD POLITY . . . . .	83
5. PROGRESS TOWARD THE IDEAL OF INTERNATIONAL OR- GANIZATION . . . . .	90
<i>a.</i> International Congresses, Commissions and Unions .	90
<i>b.</i> Hague Conferences . . . . .	92
<i>c.</i> Permanent Court of Arbitration . . . . .	93
<i>d.</i> Court of Arbitral Justice . . . . .	95
<i>e.</i> International Prize Court, and the International Naval Conference . . . . .	98
<i>f.</i> Central American Court of Justice . . . . .	99
<i>g.</i> Codification of International Law . . . . .	100
6. RECENT PROPOSALS AND DISCUSSIONS . . . . .	102
The League of Nations	

# INTERNATIONAL ORGANIZATION

## FUNDAMENTAL CONCEPTS

### THE STATE

BROWN, PHILIP M.

Rights of states under international law.

(Yale law journal, 26:85-93, December, 1916.)

Concludes that the orthodox concepts of independence, sovereignty, and equality as reiterated by the American Institute of International Law are no longer tenable.

DICKINSON, EDWIN D.

Analogy between natural persons and international persons in the law of nations.

(Yale law journal, 26:564-591, May, 1917.)

The supposed analogy is ably criticised, and the warning is given that "it must not be permitted to warp our conception of international society, obstruct an understanding of the true nature of international persons, perpetuate the unreality of international law, encumber the system with rules inapplicable to international persons, or establish impracticable classifications."

HILL, DAVID J.

World organization, as affected by the nature of the modern state. New York, Columbia university press, 1911.

8°. ix, 214 p.

"Eight lectures delivered before Columbia University on the Carpentier foundation. The main idea of the lectures, reinforced from several different points of view, is the growth of jural consciousness among all civilized nations, and its embodiment in the modern state—a phenomenon which is believed to have an important bearing upon international life and intercourse."

SCOTT, JAMES B.

The American institute of international law; its declaration of the rights and duties of nations. Washington, American institute of international law, 1916.

8°. 125 p.

WILLOUGHBY, WESTEL W.

An examination of the nature of the state; a study in political philosophy. New York, Macmillan Co., 1903.

8°. xii, 448 p.

Discusses the origin of the state, the contract theory, the nature of law, sovereignty, and the classification of governments.

WILLOUGHBY, W. W., and CRANE, R. T.

Juristic conception of the state.

(American political science review, 12:192-214, May, 1918.)

## SOVEREIGNTY

BALDWIN, SIMEON E.

Division of sovereignty.

(International law notes, 3:57-59, July, 1918.)

An argument for division in the exercise of sovereignty as an element in world government.

LANSING, ROBERT

A unique international problem.

(American journal of international law, 11:763-771, October, 1917.)

Deals with the problem of governing the islands of Spitzbergen, over which no nation has yet asserted sovereignty. The questions of territorial and personal sovereignty are involved.

LASKI, HAROLD J.

Studies in the problem of sovereignty. New Haven, Yale university press, 1917.

8°. xi, 297 p.

The appendices deal with Sovereignty and Federalism, and Sovereignty and Centralization.

MERRIAM, CHARLES E.

History of the theory of sovereignty since Rousseau. New York, Columbia university press, 1900.

8°. 233 p.

"In the field of federal and international relations . . . those who admit a half, double, limited or relative sovereignty do not mean by sovereignty the control of the state over all subjects or associations thereof, but conceive it merely as the independence of the state externally. . . . Those who hold that sovereignty must be either complete or not at all, do not mean that the state is wholly unlimited in its relations with other states, but that there is no body to which effective control over a sovereign state may be attributed."

## EQUALITY

BARBOSA, RUY

Equality of sovereign states.

(Independent, 64:75-82, January 9, 1908.)

An address delivered by one of the delegates of Brazil at the second Hague conference, in support of the traditional doctrine of the equality of states.

BROWN, PHILIP M.

The theory of the independence and equality of states.

(American journal of international law, 9:305-335, April, 1915.)

Treats of the nature of international law, of the state, and the fundamental postulates of international law, *viz.*, independence, sovereignty, and equality.



DICKINSON, EDWIN D.

League of nations and international law.

(American political science review, 12:304-311,  
May, 1918.)

Author believes that the success of a league of nations requires a drastic revision of the theories on which international law is based; particularly the theory of the equality of states.

HICKS, FREDERICK C.

The equality of states and the Hague conferences.

(American journal of international law, 2:530-561, July, 1908.)

LOUGHLIN, HARRY H.

Rating the several sovereign nations on a basis equitable for the allotment of representatives to a world parliament.

(Scientific monthly, 3:579-584, December, 1916.)

Three schemes are worked out for proportional representation of states.

"Small nations will argue that all sovereign nations should be equally represented; yet equitability, not necessarily equality, is the only basis of representation in governing bodies generally."

MYERS, DENYS P.

Representation in public international organs.

(American journal of international law, 8:81-108, January, 1914.)

A study of the actual basis of representation in forty-five official international conferences and organizations.

## NATIONALITY

BUTLER, NICHOLAS MURRAY

Nationality and beyond.

(International conciliation, No. 107, October, 1916.  
10 p.)

DESTRÉE, JULES

Belgium and the principle of nationality. Translated by H. Clay. London, Council for the study of international relations, 1917.

8°. 45 p.

(1) The characteristics of a nation; (2) elements in Belgian nationality before 1914; (3) the Belgian nation and the ordeal, 1914; (4) consequences; (5) natural frontiers; (6) protection of small nations; (7) perversions of the principle of nationality.

LAMBERT, HENRI

National self-determination.

(North American review, 207:541-548, April, 1918.)

"The coöperative federation of nations, under a régime of economic freedom, insuring equality and general progress, minimizing jealousies and rivalries, tending to unify interests and identify political conceptions and aims, is the only solution of the question of nationalities that can conceivably be satisfactory and permanent."

McMURRAY, ORRIN K.

Inter-citizenship: a basis for world peace.

(Yale law journal, 27:299-316, January, 1918.)

"If there is to be an effective league to enforce peace, it must rest upon an international public opinion. One of the best bases for such a public opinion is the conception of inter-citizenship between the citizens of the great powers."

MASARYK, THOMAS G.

The problem of small nations in the European crisis; inaugural lecture at the University of London, King's College. London, Council for the study of international relations, 1916.

8°. 32 p.

An argument that rights of nations as opposed to states should be recognized, and that political and ethnographical boundaries should coincide.

## MUIR, RAMSAY

Nationalism and internationalism. The culmination of modern history. Boston, Houghton Mifflin & Co., 1916.

12°. 229 p.

(1) The meaning of nationalism; emergence of the first national states; age of nationalism, 1820-1878; last menace to national freedom.

(2) The cosmopolitan idea of the middle ages and its breakdown; development of the international idea to 1815; attempt to federate Europe, 1815-1914; forces hostile to the international idea.

## PERLA, LEO

What is "national honor." With introduction by Norman Angell. New York, Macmillan Co., 1918.

8°. xxxiv, 211 p.

"National honor is the fundamental *casus belli* and the challenge of the reconstruction. To define it is to lay the corner-stone for universal, all-inclusive arbitration without which the peace of the future must rest as a house upon sands."—*Preface*.

## PIGGOTT, FRANCIS T.

Nationality, including naturalization and English law on the high seas and beyond the realm. London, W. Clowes & Sons, 1907.

8°. 2 v.

A comprehensive treatise.

## RUYSEN, THEODORE

The principle of nationality.

(International conciliation. No. 109, December, 1916; No. 112, March, 1917; No. 118, September, 1917.)

1. The world war and the principle of nationality.
2. Small states and nationalities.
3. What is a nationality?
4. The problems of nationality.

## SANCTION FOR INTERNATIONAL LAW

BALDWIN, SIMEON E.

Suspension from the society of nations, a sufficient sanction for a world-court judgment.

(American law review, 52:695-700, September-October, 1918.)

Believes that treaties should carry legal obligations to be enforced by

1. Suspension from the Society of Nations.
2. International outlawry and economic pressure.
3. The use of the aggregate military and naval force of the Society of Nations.

HILL, DAVID J.

The possible means of increasing the effectiveness of international law.

(American society of international law. Proceedings, 1916, p. 11-17.)

The triumph of international law will be brought about by the great Powers. Persistent law-breaking states may be punished by the severance of diplomatic and commercial relations, without recourse to war.

SPENCER, ARTHUR W.

The organization of international force.

(American journal of international law, 9:45-71, January, 1915.)

A study of the sanction of international law.

WRIGHT, PHILIP Q.

Enforcement of international law through municipal law in the United States. Urbana, University of Illinois, 1916.

8°. 264 p.

"Dr. Wright . . . has confined himself to a study of the measures which this country had adopted to compel its citizens and others found within the confines of its jurisdiction to observe

what Dr. Wright calls 'supra-national' law. . . . Throughout the book the sharp dividing line between that which is municipal and that which is international is clearly drawn. Dr. Wright aims to present a study of the enforcement by the national legal machinery within the United States of those provisions which may be considered as international law. He points out that the importance of this study results from the necessity in the application of the system of 'supra-national' law to take action through national officials. The title of his book makes a sharp division between the rules of international law which are observed by the executive and representative branches of the government and those which are enforced by the legal machinery."—*Nation*.



## BALANCE OF POWER

BERNARD, MONTAGUE

Systems of policy.

(*In his* Four lectures on subjects connected with diplomacy, 1868; Lecture 2, p. 61-109.)

Balance of Power is "a short expression of the political maxim that no single state ought to be suffered to become strong enough to overbear the aggregate strength of the rest, or some considerable but undefinable proportion of their aggregate strength. But since it is impossible to fix with anything like precision the point at which this excessive preponderance is reached or to make sure how many of the lesser Powers will actually throw their weight into the opposite scale, it has come to mean more than this: every aggrandizement likely to jeopardize the actual state of possession has been treated as a displacement *pro tanto* of the equilibrium, and the equilibrium itself meant such a distribution of force among the different countries of Europe as offered a security for the existing state of possession."

BRANDYCE, HARRY D.

Balance of power in 1915.

(Forum, 46:129-141, August, 1911.)

A political prophecy of a change in the balance of power in the year 1915, by which Germany, Italy, Austria, Japan, and Russia would be allied against Great Britain and the United States.

DUPUIS, CHARLES

Le principe d'équilibre et le concert européen de la paix de Westphalie à l'acte d'Algésiras. Paris, Perrin et cie, 1909.

8°. 525 p.

The best study of the subject.

## GENTZ, FRIEDRICH VON

Fragments upon the balance of power in Europe.  
Translated from the German. London, M.  
Peltier, 1806.

8°. 335 p.

The Fragments, written in September and October, 1805, were to have been developed into a comprehensive work. The introduction of fifty-four pages was written in April, 1806, after the defeat of Austria at Austerlitz, and the formation of the Confederation of the Rhine. In 1815, Gentz was secretary to the Congress of Vienna.

## HASSALL, ARTHUR

The balance of power, 1715-1789. New York,  
Macmillan Co., 1898.

8°. viii, 433 p.

A history of the period during which the balance of power in Europe was "merely a temporary immobility produced by exhaustion after long wars."

## HUME, DAVID

Of the balance of power.

(*In his Philosophical works*, London, 1882, v. 3,  
Essay 7, p. 348-356.)

Shows that the idea of a balance of power is as old as Xenophon, but that the Romans were ignorant of it.

## EARLY PROPOSALS FOR INTERNATIONAL ORGANIZATION

DARBY, W. EVANS

International tribunals; a collection of the various schemes which have been propounded, and of instances since 1815. New edition. London, Peace society, 1899.

8°. 304 p.

Summarizes the chief projects for world organization. A useful reference manual.

1601

THE GREAT DESIGN of Henry IV, from the memoirs of the Duke of Sully; and the United States of Europe, by Edward Everett Hale. With introduction by Edwin D. Mead, Boston, Ginn & Co., 1909.

12°. xxi, 91 p.

Contains also "Passages illustrating the history of the Great Design," pp. 54-76. Dr. Hale's article was written in 1871.

AN EARLIER LEAGUE to enforce peace.

(Unpopular review, 10:244-254, October-December, 1918.)

An account of the Grand Design of Henry IV.

1623

CRUCÉ, ÉMERIC

Le nouveau Cynée, ou discours d'estat représentant les occasions et moyens d'establir une paix generale et la liberté du commerce par tout le monde. Edited and translated from the original

French text of 1623. Philadelphia, Allen, Lane & Scott, 1909.

4°. xxxi, 363 p.

A comprehensive philosophical discourse on the occasion and means of establishing peace and liberty of commerce by all the world.

1693

PENN, WILLIAM

Plan for the peace of Europe, an essay towards the present and future peace of Europe by the establishment of an European diet, parliament, or estates.

8°. 20 p.

(Old South leaflets, general series, No. 75, Boston, 1896.)

This essay is printed also in No. 724 of Everyman's Library, under the title "The peace of Europe: The fruits of solitude and other writings."

1. Of Peace and its Advantages.
2. Of the Means of Peace, Which is Justice rather than War.
3. Government, its Rise and End under all Models.
4. Of a General Peace, or the Peace of Europe, and the Means of it.
5. Of the Causes of Difference, and Motives to Violate Peace.
6. Of Titles, upon which those Differences may Arise.
7. Of the Composition of these Imperial States.
8. Of the Regulations of the Imperial States in Session.
9. Of the Objections that may be Advanced against the Design.
10. Of the Real Benefits that Flow from this Proposal about Peace.
11. Conclusion.

1713

SAINT-PIERRE, CHARLES I. C., *abbé de*

A project for settling an everlasting peace in Europe. First proposed by Henry IV of France and approved of by Queen Elizabeth, and most

of the then princes of Europe, and now discussed at large, and made practicable. London, printed for J. W., 1714.

12°. x, 177 p.

Important criticisms of this project were made by Leibnitz, Rousseau, and Voltaire.

1789

BENTHAM, JEREMY

A plan for an universal and perpetual peace. (*In his Works*. Edinburgh, 1843. v. 2, p. 546-560.)

To remove the causes of war, Bentham proposed reduction of armaments, and elimination of the colonial system. For the maintenance of a state of peace he then proposed: (1) general and perpetual treaties, limiting the size of armies, and (2) "the establishment of a common court of judicature for the decision of differences between the several nations, although such court were not to be armed with any coercive powers." Secret diplomacy was to be abolished.

1795

KANT, IMMANUEL

Eternal peace and other international essays. Boston, World peace foundation, 1914.

12°. xxiv, 179 p.

A prophecy of a "universal cosmopolitical institution."

He finds a philosophical basis for an international system "in the development of enlightened self-interest among the peoples and the growth of the moral idea, which has already made men open to the influence of the mere conception of law, as though this in itself possessed physical power."—PHILLIPS.

1813-1823 (Holy Alliance)

PHILLIPS, WALTER A.

The confederation of Europe; a study of the European alliance, 1813-1823, as an experiment



in the international organization of peace. London, Longmans, Green & Co., 1914.

8°. xv, 315 p.

Discusses the Holy Alliance as to its conception, birth, preparation, consecration, culmination, and break-up. Concludes that the Alliance served a useful purpose in temporarily preserving peace and setting "the tradition of that feeling of common interests among the nations the growth of which is the strongest factor making for peace." But "the new Holy Alliance, of which the pacifists dream, would be faced by very much the same problems as those which confronted Alexander and his allies."

The central theme of the book was embodied by Mr. Phillips in an article on "The peace movement and the Holy Alliance," published in the *Edinburgh Review*, April, 1912.

1840

LADD, WILLIAM

An essay on a congress of nations for the adjustment of international disputes without resort to arms. Reprinted from the original edition of 1840, with an introduction by J. B. Scott. New York, Oxford university press, 1916.

8°. 1, 162 p.

Ladd's plan consisted of two parts: (1) A congress of ambassadors for the purpose of settling principles of international law, and devising plans for the preservation of peace; (2) a court of nations, to arbitrate or judge such cases as should be brought before it, by the mutual consent of two or more contending nations.

## ARGUMENTS FOR A NEW WORLD POLITY

ANITCHKOW, MICHAEL

War and labor. Westminster, Archibald Constable & Co., 1900.

8°. xii, 578 p.

Argues that social and industrial coöperation will prevent war.

BAILEY, LIBERTY H.

Universal service; the hope of humanity. New York, Sturgis & Walton, 1918.

8°. xii, 165 p.

"Sooner or later the world war will end and the representatives of the nations gather to talk of peace. Here is a book that offers constructive suggestions for the remodeling of the social fabric. Professor Bailey's proposal for universal service involves more than mere military service. He says, 'I look on military preparedness as the beginning in a process. Gradually shall we pass over from the gunpowder stage into the fellowship state. . . . The principle of personal participation, which is the core of military service, must be applied in other public work'. In the two parts of the book the author discusses the two opposing forces: enmity and service."

BOLCE, HAROLD

New internationalism. New York, Appleton & Co., 1907.

12°. 309 p.

"The financial and commercial amalgamation of the nations is the central theme of Mr. Bolce's discussion. The following comparison between this book and Miss Jane Addams' 'Newer Ideals of Peace' is enlightening: 'Mr. Bolce is material; Miss Addams spiritual. He puts his trust in the development of cosmopolitan friendship. One sees, in the financiers and merchants, the architects of the new internationalism; the other finds among the feeblest immigrants the harbingers of the new ideals. But the books are complementary, not contradictory.'—*Independent*.

BOURNE, RANDOLPH S., *comp.*

Towards an enduring peace; a symposium of peace proposals and programs, 1914-1916; with an introduction by Franklin H. Giddings. New York, American association for international conciliation, 1916.

8°. xv, 336 p.

"What means have been suggested and what constructive measures have been put forward to bring about a lasting peace between nations, the student of international conciliation will find fully discussed in this compilation. . . . In addition to articles from writers, such as Charles W. Eliot, Norman Angell, Rudolph Eucken, John A. Hobson, A. Lawrence Lowell, and Nicholas Murray Butler, the book contains the various peace proposals and programs published during the past two years in Europe and the United States."—*Catholic World*.

BUTLER, NICHOLAS MURRAY

International mind, an argument for the judicial settlement of international disputes. New York, Scribner, 1912.

8°. xi, 121 p.

"The international mind is nothing else than that habit of thinking of foreign relations and business, and that habit of dealing with them, which regard the several nations of the civilized world as friendly and coöperating equals in aiding the progress of civilization, in developing commerce and industry and in spreading enlightenment and culture throughout the world."

"The five addresses which Nicholas Murray Butler has made as chairman of five of the last six Lake Mohonk Conferences on International Arbitration have been bound together in a small volume, with the general title of the address delivered this year, 'The International Mind'. The sub-title defines the book as 'an argument for the judicial settlement of international disputes', but as each of the addresses contains something in the way of a summary of the progress made towards such settlement during the preceding year, the collection embodies an informal history of the movement since 1905 as well as the main points in the reasoning on its behalf."—*Nation*.

BUTLER, NICHOLAS MURRAY

World in ferment; interpretations of the war for a new world. New York, Scribner, 1917.

12°. viii, 254 p.

"These seventeen 'interpretations of the war for a new world' were delivered by the president of Columbia University between September 23, 1914, and June 6, 1917. They, therefore, follow the development of his thought during the years of the great war. In his introduction, Dr. Butler states that this 'is a war for a new international world and a war for a new intranational world. It is to be hoped that the new world will come to an understanding with itself about peace. . . . Peace is not an ideal at all; it is a state attendant upon the achievement of an ideal. The ideal itself is human liberty, justice, and the honorable conduct of an orderly and humane society. Given this, a durable peace follows naturally as a matter of course'. Among the addresses are: 'Higher Preparedness'; 'Nationality and Beyond'; 'Is America Drifting?' 'The Russian Revolution'; 'The Call to Service'; 'The International Mind, How to Develop it'; 'A World in Ferment'."

FARIES, JOHN C.

The rise of internationalism. New York, W. D. Gray, 1915.

8°. 207 p.

"Internationalism is the embodiment of a new conception of the advantages of rational coöperation in the whole field of human endeavor. It shows how men tend to act when the human understanding is freed from the shackles of narrow provincialism and grasps the possibilities of a practical world unity." The chapter headings are: 'Meaning of Internationalism'; 'Preparatory Movements'; 'The World's Fair'; 'Official International Conferences'; 'Unofficial Congresses'; 'Universities and Internationalism'; 'International Correspondence Clubs'; 'Friendship Societies and Foundations'; 'World Language'; 'International Ebb and Flow of Population'; 'The Nations and Opium'; 'Principles and Conclusions'. An appendix gives chronological lists of official and unofficial congresses.

"This study is offered as an evidence of the extent of the growth of internationalism and the magnitude of a crime which retards



its growth. If a vision of what the good of a whole world demands shall be given to those who sit in the council to determine the terms of peace, there will be concerted such measures as were lacking at the Congress of Vienna in 1815."

HART, HEBER L.

The bulwarks of peace. London, Methuen & Co., 1918.

12°. xii, 221 p.

Believing that a League of Nations will be established, the author urges that renewed attention be given to the causes of war in order that the League may be successful.

JORDAN, DAVID S., and KREHBIEL, EDWARD B.

Syllabus of lectures on international conciliation given at Leland Stanford Junior University. Boston, World peace foundation, 1912.

8°. iv, 244 p.

"Outline of thirty-seven lectures, with references to books and periodical articles under each subject."

LANE, RALPH NORMAN ANGELL

The great illusion. A study of the relation of military power in nations to their economic and social advantage. New edition. New York, G. P. Putnam's Sons, 1912.

8°. xvi, 428 p.

Already published in eighteen languages. "No piece of political thinking has in recent years more stirred the world which controls the movement of politics."—London *Nation*.

"Nothing that has ever been written has come so near proving successfully the futility of all great wars."—SIR HARRY JOHNSTON.

MACFARLANE, CHARLES W.

The economic basis of an enduring peace. Philadelphia, G. W. Jacobs & Co., 1918.

8°. 79 p.

The author, who is ex-Vice-President of the American Economic Association, believes that permanent peace is dependent on a proper distribution of coal and ore-bearing lands.



"It is not common language, literature and traditions alone, nor yet clearly defined or strategic frontiers, that will in the future give stability to the boundary lines of Europe, but rather such distribution of its supplies of coal and iron as will prevent any one of the great nations of Europe from becoming strong enough to dominate or absorb all the others. Here then in giving to France an adequate supply of coal we have the only possible way in which the old 'balance of power' in western Europe can be reëstablished. In a word, the best guarantee for the future peace of Europe must be found in a strong England with her 187 billion tons of coal; a strong France with approximately 122 billion tons; a reconstructed Russia with 233 billion tons; and a chastened Germany with her remaining 300 billion tons of coal without including the brown coals of Prussia."

MARSHALL, HENRY R.

War and the ideal of peace. New York, Duffield & Co., 1915.

12°. 234 p.

"The possibility of attaining and maintaining a state of world peace is considered from the philosophic point of view. The author's point of departure is the theory that periodic recurrences of war are inevitable because we are swayed by forces of nature which are beyond our control. The first step taken is to analyze the meaning of 'laws of nature'. The next is to study the characteristics of ideals in general with the ideal of peace taken as a special example. The author admits the existence of the 'fighting instinct', but shows that it is in man's creative spontaneity, in his power to force his ideals on nature, that the hope for a state of peace has its basis."

MOORE, JOHN BASSETT

The peace problem.

(Columbia University quarterly, 18:210-225, June, 1916; reprinted in North American Review, July, 1916.)

"For the preservation of peace all devices, such as international conferences, arbitration, mediation and good offices, are or may be useful, according to the circumstances of the case; but back of all this we must in the last analysis rely upon the cultivation

of a mental attitude which will lead men to think first of amicable processes rather than of war when differences arise."

MORRIS, ROBERT T.

The way out of war. Notes on the biology of the subject. New York, Doubleday, Page & Co., 1918.

12°. vi, 166 p.

"Warfare as an expression of natural law cannot be examined critically excepting from its fundamentals in natural history. It is to be the jurist or the biologist who will finally construct the Magna Charta of peace for tomorrow nations, but the jurist must draw his plans of natural equity from a basis of natural law as set forth in Darwin's principle of interdependence."

"Warfare-by-arms will continue for some centuries yet in all probability, but with ever lengthening periods of peace. According to the laws of continuity, order in nature indicates that in the end a world state will emerge, following the already accomplished union of states in larger and larger groups since the days of small tribes and clans."

NOVICOW, JACQUES

War and its alleged benefits. Translated by T. Seltzer. New York, H. Holt & Co., 1911.

16°. 130 p.

"The remedy for war, the author finds in the propagation of the truth that the real struggle necessary for the welfare of mankind is against the forces of nature, and that war, which is a struggle between two or more parts of mankind involving destruction of a part of the general resources, is inevitably injurious both to the parties concerned, and to society at large."—*American Journal of International Law*, July, 1911.

PAPERS on inter-racial problems communicated to the first Universal Races Congress, held at the University of London, July 26-29, 1911. Edited by G. Spiller. Boston, World peace foundation, 1911.

8°. xlvii, 485 p.

"Non-political discussions of the world's races with respect to civilization and the promotion of international friendships." "We commend this collection of essays to the careful attention of a multitude of people, statesmen, publicists, social reformers, on the one hand, and of that large class in our own country who have taken it as a cardinal and undisputed fact that the Caucasian race is the natural king of races, and that Anglo-Saxondom is the crown upon its head."—*Independent*.

TENNEY, ALVAN A.

Theories of social organization and the problem of international peace.

(Political science quarterly, 30:1-14, March, 1915.)

Supports as a fundamental principle, "Let there be produced sufficient likeness among the peoples of the world, and harmonious organization, based on sympathy will follow of itself."

TRUEBLOOD, BENJAMIN F.

The federation of the world. Third edition. Boston, Houghton, Mifflin & Co., 1908.

12°. ix, 162 p.

"The subject treated is not primarily that of peace and war. . . . The aim is to show that the nature of man and of society is such as to indicate that a general federation of the race ought to exist, that war ought to be abolished, that the whole of humanity must move together in harmonious coöperation if it ever fulfills its destiny."

## PROGRESS TOWARD THE IDEAL OF INTERNATIONAL ORGANIZATION

### INTERNATIONAL CONGRESSES, COMMISSIONS AND UNIONS

BALDWIN, SIMEON E.

The international congresses and conferences of the last century as forces working toward the solidarity of the world.

(American journal of international law. 1:565-578, July, 1907; 1:808-829, October, 1907.)

Pages 808-829 contain:

1. List of memorable international conferences, congresses, or associations of official representatives of governments, exclusive of those mainly concerned in dealing with the results of a particular war.
2. List of the more important international congresses, etc., composed of private individuals.

BARRETT, JOHN

Pan American union: peace, friendship, commerce. Washington, D. C., Pan-American union, 1911.

8°. 253 p.

"Explains in reasonable and informative detail the scope, purpose, history, work, and achievement of the Pan-American union, with the hope of aiding the cause of peace, good understanding, and exchange of commerce among nations. Chapters: Pan-America Today; The Pan-American Union; The Pan-American Building; Pan-American Peace; Pan-American Speeches. The appendix contains the names of the governing board, new statistics of Pan-American trade, Mr. Carnegie's celebrated speech, 'War as a Mother of Valor and Civilization', and a list of differences between the American nations settled by arbitration."

KREHBIEL, EDWARD

European commission of the Danube; an experiment in international administration.

(Political science quarterly, 33:38-55, March, 1918; reprinted in International conciliation, No. 131, October, 1918.)

A history of the origin and achievements of the commission, with application to the problems of "bridging the gap between sovereign states."

LOWE, BOUTELLE E.

International aspects of the labor problem. New York, W. D. Gray, 1918.

8°. 128 p.

Discusses the various international labor conferences which have been held, and the treaties and conventions having to do with labor.

MCADOO, WILLIAM G.

International high commission and Pan-American coöperation.

(American journal of international law, 11:772-789, October, 1917.)

The Commission was created by international agreement to study the problems involved in closer financial and commercial relations between American countries.

PAN-AMERICAN scientific congress. 2d., Washington, D. C., 1915-1916.

The final act and interpretative commentary thereon, prepared by James Brown Scott, reporter general of the congress. Washington, Government printing office, 1916.

8°. 516 p.

This volume contains the program as finally carried out, the list of scientific institutions, associations, learned societies parti-



icipating in the congress, and the lists of names of all the persons invited to take part in the proceedings.

The recommendations on international law have been published by the Carnegie Endowment for International Peace.

REINSCH, PAUL S.

Public international unions. Boston, World peace foundation, 1911.

8°. viii, 189 p.

"A study of the influence exerted by organizations of an international character in favor of comity among the nations and of their tendency to promote the cause of universal peace. . . . In the course of it the author takes account not so much of arrangements between nations for the peaceful settlement of claims and disputes as of the many international unions in which, as he puts it, economic, social, scientific, interests are dealt with on the basis of world-wide relations. He is able to count up something more than 150 of these unions composed of private individuals, and he says their number is steadily increasing. Thus, it seems to him a new internationalism has been established, which is of great importance to the world, because it works powerfully for friendliness between the world's peoples."—*New York Times*.

#### HAGUE CONFERENCES

CHOATE, JOSEPH H.

The two Hague conferences. Princeton, Princeton university press, 1913.

12°. xiv, 109 p.

HIGGINS, A. PEARCE

The Hague peace conferences and other international conferences concerning the laws and usages of war. Texts of conventions with commentaries. Cambridge, university press, 1909.

8°. xiv, 632 p.

HULL, WILLIAM I.

The two Hague conferences and their contributions to international law. Boston, Ginn & Co., 1908.

12°. xiv, 516 p.

LAWRENCE, THOMAS J.

International problems and Hague conferences. London, J. M. Dent & Co., 1908.

12°. x, 210 p.

A popular account of the Hague conferences, considered not as isolated phenomena but as points in the evolution of international society. The author is lecturer in international law at the Royal Naval War College.

SCHÜCKING, WALTHER

The International union of the Hague conferences. Translated from the German by Charles G. Fenwick. New York, Oxford university press, 1918.

8°. xiv, 341 p.

Issued by the Carnegie Endowment for International Peace.

SCOTT, JAMES B.

The Hague peace conferences of 1899 and 1907; a series of lectures delivered before the Johns Hopkins University. Baltimore, Johns Hopkins press, 1909.

8°. 2 v.

v. 1, conferences; v. 2, documents.

#### PERMANENT COURT OF ARBITRATION

BARCLAY, THOMAS

New methods of adjusting international disputes and the future. London, Constable & Co., 1917.

8°. xiv, 206 p.

This book deals with the whole question of arbitral and judicial settlement, and is an invaluable manual of consultation while reading more specific treatises.

MYERS, DENYS P.

The origin of the Hague arbitral courts.

(American journal of law, 8:769-801, October, 1914; 10:270-311, April, 1916.)

Relates both to the Permanent Court of Arbitration, and the proposed Court of Arbitral Justice.

SCOTT, JAMES B., *editor*

The Hague court reports. New York, Oxford university press, 1916.

8°. cxi, 664 p.

Issued by the Division of International Law, Carnegie Endowment for International Peace.

In addition to the compromise and awards, the arguments and other documents are given.

WILSON, GEORGE G., *editor*

The Hague arbitration cases. Boston, Ginn & Co., 1915.

8°. x, 525 p.

"In this work Professor Wilson has compiled the decisions in the fifteen important cases presented to the Tribunal of Arbitration of The Hague since its establishment in 1899. While the author has not included the arguments of counsel, he has given the terms of submission of each case together with the decision of the Tribunal, furnishing a complete history of the case, and a full exposition of the principles governing the decision. . . . The value of Professor Wilson's volume is greatly increased by the publication of an appendix containing the Hague arbitration conventions of 1899 and 1907."

"This volume shows probably more clearly than any publication that has appeared in recent years not only the possibilities of international arbitration, but the real achievement of the past seventeen years. The record is one that may well strengthen the faith of those who believe that the judicial settlement of international disputes must supplant our present plan, if civilization is to be preserved."—*Ann. Am. Acad.*

## COURT OF ARBITRAL JUSTICE

AMERICAN society for judicial settlement of international disputes. Proceedings, 1910-1916. Baltimore, Waverly press, 1911-1917.

8°. 6 v.

Published annually.

BALCH, THOMAS W.

A world court in the light of the United States Supreme Court. Philadelphia, Allen, Lane & Scott, 1918.

8°. 163 p.

"The frequent invocation in the United States of our own Supreme Court as an example of what was desired, for the purpose of obtaining strictly judicial judgments, free from any element of bias or compromise, has led to the preparation of the present monograph, in which the record of the Supreme Court, in the decision of cases involving political or diplomatic elements, is surveyed."—J. B. MOORE.

JUDICIAL settlement of international disputes.

Published quarterly by the American society for judicial settlement of international disputes. Baltimore, The Preston.

The society was formed in 1910 "for the purpose of promoting the establishment of a judicial tribunal which would perform for the nations of the civilized world a similar service to that which is given by ordinary courts to individuals, and of encouraging recourse to such a tribunal after its establishment." The following is a list of numbers issued:

1. The New Era of International Courts, by Simeon E. Baldwin. August, 1910.

2. The Necessity of a Permanent Tribunal, by Ernest Nys. November, 1910.

Supplement—The American Society for Judicial Settlement of International Disputes, by James Brown Scott. November, 1910.

3. The Importance of Judicial Settlement, by Elihu Root. February, 1911.

4. The Development of the American Doctrine of Jurisdiction of Courts Over States, by Alpheus H. Snow. May, 1911.
5. An International Court of Justice the Next Step, by George Grafton Wilson. Salient Thoughts, by Theodore Marburg. August, 1911.
6. The Work of the Hague Court, by N. Politis. November, 1911.
7. The Proposed Arbitration Treaties with Great Britain and France, by William Howard Taft. February, 1912.
8. Non-Justiciable Disputes and the Peace Treaties, by Omer F. Hershey. May, 1912.
9. The International Grand Jury, by William I. Hull. August, 1912.
10. The Court of Arbitral Justice, by James Brown Scott. November, 1912.
11. Legal Problems Capable of Settlement by Arbitration, by Charles Cheney Hyde. February, 1913.
12. Precedent and Codification in International Law, by Paul S. Reinsch. May, 1913.
13. International Contractual Claims and Their Settlement, by Edwin M. Borchard. August, 1913.
14. The Supreme Court of the World, by Henry B. F. Macfarland. November, 1913.
- 15-16. Status of the International Court of Justice, by James Brown Scott. *Double number*. February and May, 1914.
17. Justice Between Nations, by Simeon E. Baldwin. August, 1914.
18. Law and Judicial Settlement, by Theodore Marburg. November, 1914.
19. An International Force Must Support an International Tribunal, by Charles W. Eliot. December, 1914.
20. World Court and League of Peace, by Theodore Marburg. February, 1915.
21. United States Supreme Court the Prototype of a World Court, by William Howard Taft. May, 1915.
22. International Judicature, by Henri La Fontaine. August, 1915.
23. The Supreme Court of the United States as an International Tribunal, by William R. Vance. November, 1915.
24. Judicative Conciliation, by Alpheus H. Snow. February, 1916.



25. Six Sanctions of the International Court, by William I. Hull. May, 1916.

26. A World Court and International Police, by Everett P. Wheeler. August, 1916.

27. Appointment of Judges to the International Court of Arbitral Justice, by Thomas Raeburn White. November, 1916.

28. The Vision of a World Court, by William R. Vance. February, 1917.

29. Project of an International Court of Justice, by James Brown Scott. May, 1917.

SCOTT, JAMES B. An international court of justice; letter and memorandum of January 12, 1914, to the Netherland minister of foreign affairs, in behalf of the establishment of an international court of justice. New York, Oxford university press, American branch, 1916.  
8°. viii, 108 p.

#### CONTENTS

Letter of James Brown Scott to the Netherland Minister of Foreign Affairs, dated January 12, 1914, concerning the establishment of a Court of Arbitral Justice.

Appendix No. 1. Draft of a Memorandum approved by Secretary of State Knox, proposing the establishment of the Court of Arbitral Justice recommended by the Second Hague Peace Conference.

Appendix No. 2. Draft of an Identic Circular Note proposed to and approved by Secretary of State Knox to be sent to the American ambassadors at London, Berlin, and Paris.

Memorandum of James Brown Scott, accompanying his letter of January 12, 1914, to the Netherland Minister of Foreign Affairs, proposing the establishment of a Court of Arbitral Justice by and for Germany, the United States, Austria-Hungary, France, Great Britain, Italy, Japan, The Netherlands, and Russia.

Appendix No. 1. Draft Convention concluded at Paris in March, 1910, by representatives of Germany, the United States, France, and Great Britain, to put into effect the Draft Convention recommended by the Second Peace Conference relating to the establishment of a Court of Arbitral Justice.

Appendix No. 2. Draft of a convention for the putting into force of the Draft Convention relating to the establishment of a Court of Arbitral Justice, concluded at The Hague, July, 1910.

Appendix No. 3. Proposed Draft of a convention for the establishment of a Court of Arbitral Justice by and for Germany, the United States, Austria-Hungary, France, Great Britain, Italy, Japan, The Netherlands, and Russia.

Annex; Draft Convention relative to the creation of a Court of Arbitral Justice.

WFHBERG, HANS

The problem of an international court of justice. Translated from the German by Charles G. Fenwick. New York, Oxford university press, 1918.

8°. xxxiii, 251 p.

Issued by the Carnegie Endowment for International Peace.

#### INTERNATIONAL PRIZE COURT AND THE INTERNATIONAL NAVAL CONFERENCE

BENTWICK, NORMAN

The declaration of London. London, E. Wilson, 1911.

8°. vii, 179 p.

Discusses each article in detail. The author finds himself in disagreement with Bowles' Sea Law, listed below, which "has provided me," he says, "with arguments to controvert rather than with material to embody."

BOWLES, THOMAS G.

Sea law and sea power as they would be affected by recent proposals; with reasons against those proposals. London, J. Murray, 1910.

8°. xv, 296 p.

Discusses the probable operation of an international prize court, administering the law as stated in the Declaration of London.

# THE DECLARATION of London, 1909.

(World peace foundation. Pamphlet series. v. 5,  
No. 3, pt. 2, App. I., June, 1915.)

An annotated text of the Declaration.

## HIGGINS, A. PEARCE

Establishment of an International Prize Court.  
(*In his* Hague peace conferences and other international conferences. p. 407-444.)

The text of the unratified convention, with comment on the need and the probable operation of an international prize court.

## U. S. NAVAL war college, Newport.

International law topics. The declaration of  
London of February 26, 1909. Washington,  
Government printing office, 1910.

8°. 193 p.

Discussions of the Declaration, by officers of the United States Navy, under the guidance of Prof. George G. Wilson, who was a member of the International Naval Conference.

## WHITE, THOMAS R.

Constitutionality of the proposed international  
prize court, considered from the standpoint of the  
United States.

(American journal of international law, 2:490-  
506, July, 1908.)

Concludes that the United States Constitution does not preclude agreement to a convention creating a court superior to the United States Supreme Court in the adjudication of prize cases.

## CENTRAL AMERICAN COURT OF JUSTICE

### CENTRAL American league of nations.

(World peace foundation. Pamphlet series. v. 7,  
No. 1. February, 1917. p. 110-151, i-xxi.)

Events leading up to the Peace Conference of 1907; and the inauguration of the Central American Court of Justice. The appendices contain the texts of the documents involved.

CORTE de justicia centroamericana, Cartago, Costa Rica.

Annales. San José, A. Alsina, 1911-1917.

8°. 12 v.

REGLAMENTO de la Corte de justicia centroamericana, Diciembre de 1911.

San José de Costa Rica, A. Alsina, 1911.

8°. 19 p.

#### CODIFICATION OF INTERNATIONAL LAW

1876

FIELD, DAVID D.

Outlines of an international code. Second edition. New York, Baker, Voorhis & Co., 1876.

8°. 712 p.

"It aims to give a scheme of international law, such as publicists would recommend to governments, and at the same time, by pointing out in the notes the difference between existing rules and those recommended, to show what the former really are at the present time."—*Preface*.

1887

LEVI, LEONE

International law: with materials for a code of international law. New York, D. Appleton & Co., 1897.

12°. xii, 346 p.

First published in 1887.

"I have undertaken this work under the conviction that it would be of great advantage to reduce into the form of a code the leading principles of the law of nations; that the greater diffusion of knowledge of such law would often prevent disputes; and that, on the occurrence of differences between states, a collection of the well-established rules . . . would facilitate a resort to international arbitration."—*Preface*.

Includes positive international law as shown in treaties and conventions.

1890

FIORE, PASQUALE

International law codified and its legal sanction; or, the legal organization of the society of states. Translated from the fifth Italian edition, with an introduction by Edwin M. Borchard. New York, Baker, Voorhis & Co., 1918.

8°. xix, 750 p.

First published in 1890.

"The book does not purport to be a code of existing international law, but a systematic body of rules evolved by the author out of his accurate knowledge of positive law and of the defects of the prevailing system and submitted for adoption to the nations of the world for the better legal regulation of their mutual interests and relations."—EDITOR.

1911

NYS, ERNEST

Codification of international law.

(American journal of international law, 5:871-900, October, 1911.)

A statement of efforts and influences tending toward codification.

1911

ROOT, ELIHU

Function of private codification in international law.

(American journal of international law, 5:577-589, July, 1911; Proceedings, 5:19-32, 1911.)

"The substantial work of international codification is, not merely to state rules, but to secure agreement as to what the rules are, by the nations whose usage must confirm them. Except as a means to this end, any codification of international law can be of little value except as a topical index and guide to the student."



## RECENT PROPOSALS AND DISCUSSIONS

ASHBEE, CHARLES R.

The American league to enforce peace; an English interpretation, with an introduction by G. Lowes Dickinson. London, Allen & Unwin, 1917.

8°. 92 p.

(1) The new objective; (2) the league and the question of armament; (3) democratic purpose and the new industrial ethics; (4) the greater Europe in America.

BRAILSFORD, HENRY N.

League of nations. New York, Macmillan Co., 1917.

12°. vii, 332 p.

"The volume discusses calmly and dispassionately pretty nearly all the problems which this war has raised. But it is primarily concerned with the scheme for a league of nations associated with Mr. Taft to form a guarantee of the peace of the world. Mr. Brailsford as he proceeds in the discussion is led to consider The Problems of Nationality, The Roads of the East, Sea Power, Peace and Change, The Future of Alliances, The Economics of Peace, America and the League of Peace—in short, to examine pretty nearly the entire political horizon. . . . At the close of the volume are printed two schemes, The War Settlement, and The League of Nations, a plan for the organization of peace."—*The Times* (London) *Lit. Sup.*

BRIDGMAN, RAYMOND L.

World organization. Boston, for the International union, by Ginn. 1905.

8°. vi, 172 p.

The chief subjects discussed are: The World Constitution, The World Legislature, The World Judiciary, The World

Executive, World Legislation Already Accomplished, World Business now Pending, Forces Active for World Unity, and World Organization Secures World Peace.

BRYCE, JAMES

Proposals for the prevention of future wars.  
London, Allen & Unwin, 1917.

8°. 54 p.

Advocates a league of nations to provide machinery through which the volume of international public opinion which favors peace may be enabled to express itself.

CENTRAL organization for a durable peace. The Hague.

Recueil de rapports sur les différents points du programme-minimum. La Haye, Nijhoff, 1916-8°.

v. 1-4 already published.

COSMOS, *pseud.*

Basis of durable peace. New York, Scribner, 1917.

12°. ix, 144 p.

"A series of articles written for the New York *Times* in November and December, 1916. As a starting point, the author examines statements at that time recently made by the German chancellor and the British prime minister. Finding the two statements strikingly similar in outward appearance, he discusses the meaning of such expressions as 'rights of small nations', 'freedom of the seas', etc., from both the German and the British points of view. He discusses further the principles of the new international order that may be established after the war, and the place of the United States in it. Victory for the Allies is the first essential for a durable peace. The second is the stamping out of the military ideal, not in Prussia alone, but in all the countries of the world. 'The spirit and the point of view which manifest themselves in militarism, in the subordination of civil to military authority and policy, and in the setting of right below might, must be driven out of the hearts and minds of men. . . .

The basis of sound international policy will be found in sound domestic policy, and in sympathy with equally sound domestic policies in other lands'."

This work has been translated into French, Spanish, Russian, and Japanese.

CROZIER, ALFRED O.

Nation of nations; the way to permanent peace.

A supreme constitution for the government of governments. Cincinnati, Stewart & Kidd, 1915.

8°. 128 p.

"The author has worked out a supreme constitution under which the nations of the world may live together and conduct their international affairs without military conflict. It is a proposed solution of the problem of war or peace. An international navy is provided for as the means of enforcement. The plan prepared by the League of Peace is compared with the one outlined here with the purpose of showing that the former would only result in 'entangling alliances'."

DICKINSON, GOLDSWORTHY L.

Choice before us. New York, Dodd, Mead & Co., 1917.

8°. xiii, 268 p.

"The author's purpose is to describe briefly the prospect before the world if the armed international anarchy is to continue, and to be extended and exasperated after the war. The origin of the war, and our participation in it, are not discussed; though the author is of opinion that we could do 'no other'. He seeks to analyze and discuss the presuppositions which underlie militarism, and arguing both that international war as it will be conducted in the future implies the ruin of civilization, and that it is not 'inevitable', he sketches the kind of reorganization that is both possible and essential if war is not to destroy mankind."—*Athenaeum*.

"Mr. Dickinson nurses the belief, not very strongly it seems to us, that wars may be prevented by a system of international leagues and international councils of conciliation. . . . He is quite clear that internationalism can effect nothing unless all the great powers are members of the league. He says plainly

that if Germany and Austria are to be left out of this league the thing is hopeless, and there is a vista of wars before us. He also argues with much force that if the Entente Powers persist in waging an economic war against the Central European Powers, then the economic must be followed by a military war."—*Saturday Review*.

DICKINSON, GOLDSWORTHY L.

The foundations of a league of peace.

(World peace foundation. Pamphlet series, v. 5, No. 2, April, 1915. 20 p.)

GOLDSMITH, ROBERT

League to enforce peace; with a special introduction by A. Lawrence Lowell. New York, Macmillan Co., 1917.

12°. xxvi, 331 p.

"The 'League to Enforce Peace', organized in June, 1915, with ex-President Taft, A. Lawrence Lowell, and others as its promoters, is one of the associations that are trying to work out a practical program for the insurance of peace. A discussion of this program is the substance of the present work. It is divided into three parts. In Part 1, the author considers the forces that failed, examining some of the agencies that broke down in 1914. Part 2 is devoted to an exposition of the principles and platform of the League to Enforce Peace. Part 3 is an examination of the creed of militarism, with a refutation of the militarist arguments. Endorsements of the League, etc., are given in an appendix. There is a bibliography and an index."

HISTORICAL light on the League to enforce peace.

(World peace foundation. Pamphlet series. v. 6, No. 6, December, 1916. 27 p.)

HOBSON, JOHN A.

Towards international government. London, Allen & Unwin, 1915.

12°. 216 p.

"Mr. J. A. Hobson maintains that one essential for the prevention of war is that the relations between states shall no longer

be left in the hands of a small diplomatic caste, with their outworn traditions of crooked and secret diplomacy. The international council, therefore, to be established after the war for the settlement of non-justiciable disputes, shall be composed not of foreign ministers and ambassadors, who merely represent the governments of their states, but of persons chosen to represent the people included in each state."—*Hibbert Journal*.

HYDE, H. E.

The international solution. London, Allen & Unwin, 1918.

12°. xviii, 93 p.

The author outlines a scheme of government, in which there is international control of the munitions of war and the armaments of nations.

KEEN, FRANK N.

The world in alliance; a plan for preventing future wars. London, W. Southwood & Co., 1915.

12°. 60 p.

(1) War and peace; (2) the problem; (3) lessons from the past; (4) the solution.

The three essential preliminaries to the prevention of war are "the international parliament, the binding code of law, and the administrative machinery for its enforcement."

KEEN, FRANK N.

Hammering out the details. London, A. C. Fifield, 1917.

12°. 32 p.

Comparing the scheme of the League of Nations society in England with the League to Enforce Peace, American branch, and the Central Organization for a Durable Peace, and defining the essentials of a league of nations.



## KOCOUREK, ALBERT

Some reflections on the problem of a society of nations.

(American journal of international law. 12:498-518, July, 1918.)

Is skeptical as to the success of a league of nations, but thinks there should be a world organization "not with a plan . . . but with the purpose of finding a workable substitute for war."

## LAFONTAINE, HENRI

The great solution—magnissima charta; essay on evolutionary and constructive pacifism. Boston, World peace foundation, 1916.

8°. x, 177 p.

A draft of a world constitution, with an explanation of each section.

## LANE, RALPH NORMAN ANGELL

America and the new world-state; a plea for American leadership in international organization. New York, G. P. Putnam, 1915.

8°. x, 305 p.

"There never was yet on this planet a change of idea which did not sooner or later affect the whole planet", says the author. It is on this theory that he bases his belief that America has it in her power to change the attitude of the world in regard to war and international relations. His proposal is this: 'That America shall use her influence to secure the abandonment by the powers of Christendom of rival group alliances and the creation instead of an alliance of all the civilized powers having as its aim some common action—not necessarily military—which will constitute a collective guarantee of each against aggression'. Part 1, 'The New World-state', is made up of three articles that appeared first in the *New York Times*. Part 2, 'The Doctrines that Make War', contains, in addition to two recent articles, two that were written a number of years ago, 'A Retrospect of American Patriotism', and 'Anglophobia and Other Aberrations'. Part 3 considers the question, 'Can Arms Alone Destroy Prussianism?'"

THE LEAGUE Bulletin, issued weekly by the League to Enforce Peace, 130 West Forty-second Street, New York.

The *Bulletin* was first issued on mimeographed sheets. Its successive numbers indicate events in the progress of the movement.

A LEAGUE of nations. Boston, World peace foundation, 1917-.

Vol. 1, no. 1, is dated October, 1917.

Supersedes World Peace Foundation. Pamphlet series.

THE LEAGUE of nations.

(International conciliation, No. 131, October, 1918. 65 p.)

1. The League of Nations, by Viscount Grey of Falloden.
2. A League of Nations, by Nicholas Murray Butler.
3. Labor and the League of Nations, by Ordway Tead.
4. The European Commission of the Danube: an experiment in international administration, by Edward Krehbiel.
5. Address of President Wilson at the Metropolitan Opera House, New York, September 27, 1918.

LEAGUE of nations society. Monthly report for members. London, 1 Central Buildings, Westminster.

No. 1 is dated January, 1918.

LEAGUE of nations society. Publications. London, 1 Central Buildings, Westminster, 1916.

Publication no. 1 was issued in March, 1916. Up to September, 1918, forty-two pamphlets had been issued, among which are the following:

- No. 2. Explanation of the Objects of the Society.
- No. 8. A League of Nations; How to Begin it, by Aneurin Williams.
- No. 11. General Smuts and a League of Nations.
- No. 12. Pronouncements of Leading Statesmen.

- No 13. The Sense of a Community of Nations, by Sir Francis Younghusband.
- No. 14. League of Nations and Its Critics, by W. H. Dickinson.
- No. 15. The Project of a League of Nations.
- No. 16. Proceedings of the First Annual Meeting, July 20, 1917.
- No. 17. Lawyers' Conference on a League of Nations.
- No. 18. The Minimum of Machinery, by Aneurin Williams.
- No. 19. Functions of a League of Nations, by Raymond Unwin.
- No. 20. A School of Study.
- No. 27. The Economic Interdependence of Nations, by Sir George Paish.
- No. 28. Disarmament, by W. H. Dickinson.
- No. 39. Speech of Lord Shaw in the House of Lords.
- No. 41. Sermon, by Father Paul B. Bull.
- No. 42. Scheme of Organization, prepared by a Sub-committee of the League of Nations Society, 1918.

#### LEAGUE to enforce peace.

A reference book for speakers: Win the war: Make the world safe by the defeat of German militarism: Keep the world safe by a league of nations. New York, The League, 1917.

12°. 64 p.

Bibliography, pp. 63-64.

LEAGUE to enforce peace. American branch. Independence Hall conference held in the city of Philadelphia, Bunker Hill Day (June 17), 1915, together with the speeches made at a public banquet in the Bellevue-Stratford hotel on the preceding evening. New York City, printed by the League to enforce peace, 1915.

12°. xii, 65 p.

Contains addresses by Wm. H. Short, Wm. H. Taft, A. Lawrence Lowell, Oscar S. Straus, George Gray, Hamilton Holt, Theodore Marburg, John B. Clark, and Edward A. Filene. The following is the platform of the league:

"It is desirable for the United States to join a league of nations binding the signatories to the following:

"First: All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

"Second: All other questions arising between signatories and not settled by negotiation, shall be submitted to a Council of Conciliation for hearing, consideration, and recommendation.

"Third: The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

"Fourth: Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One."

#### LEAGUE to enforce peace.

Enforced peace. Proceedings of the first annual national assemblage of the League to enforce peace, Washington, May 26-27, 1916. With an introductory chapter and appendices giving the proposals of the league, its officers and committees. New York, The League, 1916.

12°. vi, 204 p.

#### LEAGUE to enforce peace.

Win the war for permanent peace. Addresses made at the national convention of the League to enforce peace, in the city of Philadelphia, May 16 and 17, 1918. Convention and Governors' declaration. New York, The League, 1918.

8°. 253 p.

#### LOWELL, ABBOTT L.

A league to enforce peace.

(World peace foundation. Pamphlet series, v. 5, No. 5, pt. 1, October, 1915, 18 p.)

## MARBURG, THEODORE

Draft convention for league of nations, by group of American jurists and publicists. Description and comment by Theodore Marburg. New York, Macmillan Co., 1918.

12°. 46 p.

The draft is the work of a private study group of twenty-one men, and is the result of a year's conferences and investigation. It is based on the program of the League to Enforce Peace, and represents a considerable development since the publication of Mr. Marburg's "League of Nations."

## MARBURG, THEODORE

League of nations. New York, Macmillan Co., 1917-1918.

12°. 2 v.

Vol. 1, a chapter in the history of the movement; Vol. 2, its principles examined.

The author, who was formerly United States minister to Belgium, states the arguments for the plans which are being promoted by the League to Enforce Peace.

## MINOR, RALEIGH C.

A republic of nations. A study of the organization of a federal league of nations. New York, Oxford university press, 1918.

12°. xxxix, 316 p.

Author is professor of constitutional and international law at the University of Virginia.

Chapters:

1. Federal Unions Prevent Wars Between the Component States.
2. Peace-making Elements of a Federal Union.
3. Federal Union of Independent Nations Proposed.
4. Organization of the Legislative Department.
5. Powers to be Conferred on International Congress.
6. Organization of the Executive Department.
7. Powers to be conferred on the executive department.
8. Organization of the Judiciary Department.



9. Jurisdiction of the International Courts.
- 10-12. Limitation upon the Powers of the United Nations.
13. Limitations upon the Powers of the Component Nations.
14. Relations of Component Nations to Each Other and to the Union.
15. Reserved Rights of the Component Nations.
16. Supremacy of International Constitution, Laws and Treaties.
17. Amendments to the Constitution.
18. Discipline of a Component Nation.
19. Establishment of the Constitution.
20. The United States Constitution and a Proposed Constitution of United Nations, in parallel columns.

MYERS, DENYS P.

The conciliation plan of the league to enforce peace, with American treaties in force.

(World peace foundation. Pamphlet series. v. 6, No. 5, October, 1916. 35 p.)

THE RECOMMENDATIONS of Habana concerning international organization, adopted by the American Institute of International Law at Habana, January 23, 1917. New York, Oxford university press, 1917.

8°. 100 p.

There is an extensive commentary on the recommendations.

SHORT, WILLIAM H.

Program and policies of the League to enforce peace; a handbook for officers, speakers, and editors. New York, The League, 1916.

12°. viii, 53 p.

SLAYDEN, JAMES L.

Disarmament and international courts prerequisites to a durable peace.

(Annals, American Academy of political and social science, 72:92-100, July, 1917.)

STOWELL, ELLERY C.

Plans for world organization.

(Columbia University quarterly, 18:226-240,  
June, 1916.)

Author believes that formal world organization is distant, but that many important forces are working in that direction.

SYDENHAM, LORD, of Combe

The greatest "League of Nations."

(Nineteenth century and after, 84:251-259,  
August, 1918.)

A pessimistic view of the proposed league, except as the "greatest league" engaged in the war against the Teutonic allies may be perpetuated.

TAFT, WILLIAM H. and BRYAN, WILLIAM J.

The proposal for a league to enforce peace.

(International conciliation, No. 106, September,  
1916. 35 p.)

Mr. Taft for the affirmative, and Mr. Bryan for the negative.

An enlarged edition was published by the George H. Doran Co., in 1917.

THOMAS, ALBERT

The league of nations.

(Atlantic Monthly, 122:677-687, November,  
1918.)

"Here is a question of stabilizing the various categories of inter-Allied institutions which are already functioning and growing more effective as the war goes on."

THE UNITY of civilization.

(Round table, No. 32, p. 661-684, September,  
1918.)

(1) The turn of the tide; (2) the lesson of unity; (3) the league of nations.

WAR OBVIATED by an international police; a series of essays written in various countries. Hague, M. Nijhoff, 1915.

8°. iv, 223 p.

Articles representing points of view by publicists in Holland, Finland, United States, Austria, France, Germany, and Great Britain.

WILSON, GEORGE G.

The Monroe doctrine and the program of the league to enforce peace.

(World peace foundation. Pamphlet series. v. 6, No. 4, August, 1916. 15 p.)

WOOD, T. MCKINNON

A necessary guarantee of the peace.

(Contemporary review, 114:477-483.)

Believes a league of nations desirable and possible.

WOOLF, LEONARD S.

The framework of a lasting peace. London, Allen & Unwin, 1917.

8°. 154 p.

Comparison of the projects of the League to Enforce Peace; minimum program of the Central Organization for a durable peace, The Hague; The League of Nations Society; proposals of Lord Bryce's group; the Fabian Society draft treaty; the community of nations; preliminary draft of a general treaty for the pacific settlement of international disputes, by a Dutch committee.

WOOLF, LEONARD S.

International government. New York, Brentano's, 1916.

4°. xxiii, 412 p.

" This volume consists of two reports prepared for the Research Department of the Fabian Society, with an introduction by Bernard Shaw, together with a project by a Fabian committee

for a supernational authority that will prevent war. One of these reports studies the causes of wars, the nature and bearing of international law, takes up the relation to international government of treaties, conferences, arbitration and judicial tribunals, and discusses the feasibility and nature of an international authority. The second report is devoted to the administrative and law-making problems with which such an international authority would have to deal and the internationalism of commerce, industry, labor, and human society. The third section of the book consists of a complete scheme for the erecting of just such an international or supernational authority for the prevention of war, with the means and methods for the carrying out of its decisions."—*New York Times*.

THE WORLD COURT, a magazine of international progress supporting a union of democratic nations. Published monthly by the World's Court League, 2 West Thirteenth Street, New York.

## APPENDIX

## CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

## LIST OF PUBLICATIONS

## PUBLICATIONS OF THE DIVISION OF INTERCOURSE AND EDUCATION

- No. 1 SOME ROADS TOWARDS PEACE: A REPORT ON OBSERVATIONS MADE IN CHINA AND JAPAN IN 1912. BY DR. CHARLES W. ELIOT. vi+88 p. 1914.
- †No. 2 GERMAN INTERNATIONAL PROGRESS IN 1913. BY PROFESSOR DR. WILHELM PASZKOWSKI. iii+11 p. 1914.
- No. 3 EDUCATIONAL EXCHANGE WITH JAPAN. BY DR. HAMILTON W. MABIE. 8 p. 1914.
- †No. 4 REPORT OF THE INTERNATIONAL COMMISSION TO INQUIRE INTO THE CAUSES AND CONDUCT OF THE BALKAN WARS. ix+418 p., illus., maps. 1914.
- †No. 5 INTELLECTUAL AND CULTURAL RELATIONS BETWEEN THE UNITED STATES AND THE OTHER REPUBLICS OF AMERICA. BY DR. HARRY ERWIN BARD. iv+35 p. 1914.
- No. 6 GROWTH OF INTERNATIONALISM IN JAPAN. BY T. MIYAOKA. iii+15 p. 1915.
- †No. 7 FOR BETTER RELATIONS WITH OUR LATIN AMERICAN NEIGHBORS: A JOURNEY TO SOUTH AMERICA. [English Edition.] BY ROBERT BACON. viii+168 p. 1915.
- No. 8 THE SAME, IN THE ORIGINAL SPANISH, PORTUGUESE AND FRENCH. viii+221 p. 1915.
- A second edition of Mr. Bacon's Report, containing Nos. 7 and 8 in one volume, has also been published.
- No. 9 FORMER SENATOR BURTON'S TRIP TO SOUTH AMERICA. BY OTTO SCHOENRICH. iii+40 p. 1915.
- No. 10 PROBLEMS ABOUT WAR FOR CLASSES IN ARITHMETIC. BY DAVID EUGENE SMITH, PH.D., LL.D. 23 p. 1915.
- †No longer available for distribution.



NO. 11 **HYGIENE AND WAR; SUGGESTIONS FOR MAKERS OF TEXT-BOOKS AND FOR USE IN SCHOOLS.** BY GEORGE ELLIS JONES, PH.D. 207 p. 1917.

NO. 12 **RUSSIA, THE REVOLUTION AND THE WAR. AN ACCOUNT OF A VISIT TO PETROGRAD AND HELSINGFORS IN MARCH, 1917.** BY DR. CHRISTIAN L. LANGE, SECRETARY GENERAL OF THE INTERPARLIAMENTARY UNION. 26 p. 1917.

NO. 13 **GREETINGS TO THE NEW RUSSIA.** Addresses at a meeting held at the Hudson Theater, New York, April 23, 1917, under the auspices of the National Institute of Arts and Letters. 14 p. 1917.

NO. 14 **SOUTH AMERICAN OPINIONS ON THE WAR: I. CHILE AND THE WAR, BY CARLOS SILVA VILDÓSOLA; II. THE ATTITUDE OF ECUADOR, BY NICOLÁS F. LÓPEZ.** Translated from the Spanish by PETER H. GOLD-SMITH. 27 p. 1917.

NO. 15 **THE IMPERIAL JAPANESE MISSION, 1917.** A record of the reception throughout the United States of the Special Mission headed by Viscount Ishii, together with the text of the Lansing-Ishii agreement of 1917 on the status of Japan and the United States in China, and the text of the Root-Takahira understanding of 1908. Foreword by Elihu Root. 128 p. 1918.

NO. 16 **GROWTH OF LIBERALISM IN JAPAN.** Two addresses by TSUNEJIRO MIYAOKA. 24 p. 1918.

#### PUBLICATIONS OF THE DIVISION OF ECONOMICS AND HISTORY

**NATIONALISM AND WAR IN THE NEAR EAST.** BY A DIPLOMATIST. Edited by Lord Courtney of Penwith. Published by the Clarendon Press, Oxford, England. xxvi+434 p. 1915. Price, in Great Britain, 12s. 6d.; in U. S., \$4.15.

**THE INDUSTRIAL DEVELOPMENT AND COMMERCIAL POLICIES OF THE THREE SCANDINAVIAN COUNTRIES.** BY POVL DRACHMANN. Edited by Harald Westergaard, LL.D. Published by the Clarendon Press, Oxford, England. 130 p. 1915. Price, in Great Britain, 4s. 6d.; in U. S., \$1.50.

LOSSES OF LIFE IN MODERN WARS: AUSTRIA-HUNGARY; FRANCE. BY GASTON BODART, LL.D.—MILITARY SELECTION AND RACE DETERIORATION. BY VERNON LYMAN KELLOGG. Edited by Harald Westergaard, LL.D. Published by the Clarendon Press, Oxford, England. x+207+6 p. 1916. Price, in Great Britain, 6s.; in U. S., \$2.00.

ECONOMIC PROTECTIONISM. BY JOSEF GRUNZEL. Edited by Eugen von Philippovich. Published by the Clarendon Press, Oxford, England. xiii+357+6 p. 1916. Price, in Great Britain, 8s. 6d.; in U. S., \$2.90.

EPIDEMICS RESULTING FROM WARS. BY DR. FRIEDRICH PRINZING. Edited by Harald Westergaard, LL.D. Published by the Clarendon Press, Oxford, England. xii+340+6 p. 1916. Price, in Great Britain, 7s. 6d.; in U. S., \$2.50.

THE COLONIAL TARIFF POLICY OF FRANCE. BY DR. ARTHUR GIRAULT. Edited by Charles Gide. Published by the Clarendon Press, Oxford, England. x+305+6 p. 1916. Price, in Great Britain, 7s. 6d.; in U. S., \$2.50.

THE FIVE REPUBLICS OF CENTRAL AMERICA, THEIR POLITICAL AND ECONOMIC DEVELOPMENT AND THEIR RELATIONS WITH THE UNITED STATES. BY DANA G. MUNRO. Edited by David Kinley. Published by the Oxford University Press, American Branch, New York, N. Y. xvi+332 p. 1918. Price, \$3.50.

FEDERAL MILITARY PENSIONS IN THE UNITED STATES. BY WILLIAM H. GLASSON. Edited by David Kinley. In press; price to be announced.

*Preliminary Economic Studies of the War*

NO. 1 EARLY ECONOMIC EFFECTS OF THE EUROPEAN WAR UPON CANADA, by Adam Shortt, formerly Commissioner of the Canadian Civil Service, now Chairman, Board of Historical Publications, Canada.

NO. 2 EARLY EFFECTS OF THE EUROPEAN WAR UPON THE FINANCE, COMMERCE AND INDUSTRY OF CHILE, by L. S. Rowe, Professor of Political Science, University of Pennsylvania.

- No. 3 WAR ADMINISTRATION OF THE RAILWAYS IN THE UNITED STATES AND GREAT BRITAIN, by Frank H. Dixon, Professor of Economics, Dartmouth College, and Julius H. Parmelee, Statistician, Bureau of Railway Economics.
- No. 4 ECONOMIC EFFECTS OF THE WAR UPON WOMEN AND CHILDREN IN GREAT BRITAIN, by Irene Osgood Andrews, Assistant Secretary of the American Association for Labor Legislation.
- No. 5 DIRECT COSTS OF THE PRESENT WAR, by Ernest L. Bogart, Professor of Economics, University of Illinois.
- No. 6 EFFECTS OF THE WAR UPON INSURANCE, WITH SPECIAL REFERENCE TO THE SUBSTITUTION OF INSURANCE FOR PENSIONS, by William F. Gephart, Professor of Economics, Washington University, St. Louis.
- No. 7 WAR FINANCE AND TAXATION, ESPECIALLY IN GREAT BRITAIN AND THE UNITED STATES, by Frank L. McVey, President, University of Kentucky.
- No. 8 AGRICULTURAL PRODUCTION AND FOOD CONTROL IN GREAT BRITAIN AND THE UNITED STATES, by Benjamin H. Hibbard, Professor of Agricultural Economics, University of Wisconsin.
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- No. 10 ECONOMIC AND SOCIAL EFFECTS OF GOVERNMENT CONTROL OF THE LIQUOR BUSINESS, WITH SPECIAL REFERENCE TO GREAT BRITAIN AND THE UNITED STATES, by Thomas Nixon Carver, Professor of Political Economy, Harvard University.
- No. 11 EFFECTS OF THE WAR UPON LABOR CONDITIONS AND ORGANIZATION, WITH SPECIAL REFERENCE TO GREAT BRITAIN AND THE UNITED STATES, by Matthew B. Hammond, Professor of Economics, Ohio State University.

- No. 12 WAR ADMINISTRATION OF GREAT BRITAIN AND THE UNITED STATES, SHOWING CHANGES IN GOVERNMENTAL ORGANIZATION CAUSED BY THE WAR, by John A. Fairlie, Professor of Political Science, University of Illinois.
- No. 13 GOVERNMENT WAR CONTROL OF INDUSTRY AND TRADE, WITH SPECIAL REFERENCE TO GREAT BRITAIN AND THE UNITED STATES, by Charles Whiting Baker, New York City.
- No. 14 PRICE CONTROL IN GREAT BRITAIN AND THE UNITED STATES, by David Kinley, Professor of Political Economy, University of Illinois, and Simon Litman, University of Illinois.
- No. 15 TRAINING OF DISABLED SOLDIERS AND SAILORS FOR ECONOMIC USEFULNESS, by Edward T. Devine, Professor of Social Economy, Columbia University.
- No. 16 EFFECTS OF THE WAR UPON NEGRO LABOR AND MIGRATION IN THE UNITED STATES, by Emmett J. Scott, Secretary of Tuskegee Institute.
- No. 17 THRIFT IN TIME OF WAR, by Thomas Nixon Carver, Professor of Political Economy, Harvard University.
- No. 18 EFFECTS OF THE WAR UPON MONEY, CREDIT AND BANKING IN ALL ASPECTS, ESPECIALLY WITH REFERENCE TO GREAT BRITAIN, FRANCE, AND THE UNITED STATES, by B. M. Anderson, Jr., Assistant Professor of Economics, Harvard University.
- No. 19 THE RELATION OF THE ECONOMIC AND SOCIAL CONDITIONS IN SOUTHEASTERN EUROPE AND IN ALSACE-LORRAINE TO CONDITIONS OF PEACE, two volumes, by Stephen Pierce Duggan, Professor of Education, College of the City of New York.
- No. 20 THE PRESENT SITUATION IN RUSSIA AND ITS ECONOMIC AND SOCIAL BACKGROUND, by A. A. Goldenweiser.

PUBLICATIONS OF THE DIVISION OF INTERNATIONAL LAW

THE HAGUE CONVENTIONS AND DECLARATIONS OF 1899 AND 1907, 2d ed. Edited by James Brown Scott, Director. xxxiii + 303 p. 1915. Price, in Great Britain, 6s.; in U. S., \$2.00.



LAS CONVENCIONES Y DECLARACIONES DE LA HAYA DE 1899 Y 1907. Edited by James Brown Scott, Director. xxxv+301 p. 1916. Price, \$2.00.

THE FREEDOM OF THE SEAS. A dissertation by Hugo Grotius. Translated with a revision of the Latin text of 1633, by Ralph Van Deman Mogaffin, Ph.D. Edited by James Brown Scott, Director. xv+83 p. (Parallel pages.) 1916. Price, \$2.00.

INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE HAGUE PEACE CONFERENCES AND THEIR OFFICIAL REPORTS. Edited by James Brown Scott, Director. v+138 p. 1916. Price, \$1.50.

THE STATUS OF THE INTERNATIONAL COURT OF JUSTICE, with an appendix of addresses and official documents, by James Brown Scott, Director. v+93 p. 1916. Price, \$1.50.

AN INTERNATIONAL COURT OF JUSTICE, by James Brown Scott, Director. ix+108 p. 1916. Price, \$1.50.

RECOMMENDATIONS ON INTERNATIONAL LAW AND OFFICIAL COMMENTARY THEREON OF THE SECOND PAN-AMERICAN SCIENTIFIC CONGRESS HELD IN WASHINGTON, DECEMBER 27, 1915-JANUARY 8, 1916. Edited by James Brown Scott, Director. vii+53 p. 1916. Price, \$1.00.

AN ESSAY ON A CONGRESS OF NATIONS FOR THE ADJUSTMENT OF INTERNATIONAL DISPUTES WITHOUT RESORT TO ARMS, by William Ladd. Reprinted from the original edition of 1840, with an introduction by James Brown Scott, Director. i+162 p. 1916. Price, \$2.00.

THE HAGUE COURT REPORTS, comprising the awards, accompanied by syllabi, the agreements for arbitration, and other documents in each case submitted to the Permanent Court of Arbitration and to commissions of inquiry under the provisions of the Conventions of 1899 and 1907 for the pacific settlement of international disputes. Edited by James Brown Scott, Director. cxi+664 p. 1916. Price, \$3.50.

RESOLUTIONS OF THE INSTITUTE OF INTERNATIONAL LAW DEALING WITH THE LAW OF NATIONS, with an historical introduction and explanatory notes. Collected and translated under the supervision of and edited by James Brown Scott, Director. xli+261 p. 1916. Price, \$2.00.



DIPLOMATIC DOCUMENTS RELATING TO THE OUTBREAK OF THE EUROPEAN WAR. Edited by James Brown Scott, Director. 2 vols. lxxxi+1516 p. 1916. Price, \$7.50.

THE DECLARATION OF INDEPENDENCE; THE ARTICLES OF CONFEDERATION; THE CONSTITUTION OF THE UNITED STATES. Edited, with an Introductory Note, by James Brown Scott, Director. xix+94 p. 1917. Price, \$1.00.

THE RECOMMENDATIONS OF HABANA. CONCERNING INTERNATIONAL ORGANIZATION ADOPTED BY THE AMERICAN INSTITUTE OF INTERNATIONAL LAW AT HABANA, JANUARY 23, 1917. Address and Commentary by James Brown Scott, Director. vi+100 p. 1917. Price, \$1.00.

THE CONTROVERSY OVER NEUTRAL RIGHTS BETWEEN THE UNITED STATES AND FRANCE, 1797-1800. A collection of American State Papers and Judicial Decisions. Edited by James Brown Scott, Director. vi+510 p. 1917. Price, \$3.50.

THE REPORTS OF THE HAGUE CONFERENCES OF 1899 AND 1907. Being the official explanatory and interpretative commentary accompanying the draft conventions and declarations submitted to the Conferences by the several commissions charged with preparing them, together with the texts of the Final Acts, Conventions and Declarations as signed, and of the principal proposals offered by the delegations of the various Powers as well as of other documents laid before the commissions. Edited, with an introduction, by James Brown Scott, Director. xxxii+940 p. 1917. Price, \$5.00.

UNE COUR DE JUSTICE INTERNATIONALE. By James Brown Scott, Director. vi+269 p. (French edition of AN INTERNATIONAL COURT OF JUSTICE AND THE STATUS OF THE INTERNATIONAL COURT OF JUSTICE, in combination.) 1918. Price, \$2.50.

THE ARMED NEUTRALITIES OF 1780 AND 1800. A collection of official documents preceded by the views of representative publicists. Edited by James Brown Scott, Director. xxxi+698 p. 1918. (A combination of Pamphlets Nos. 27 and 28, with revisions and additions.) Price, \$5.00.

THE INTERNATIONAL UNION OF THE HAGUE CONFERENCES. By Walther Schücking. Translated from the German by Charles G. Fenwick. xiv+341 p. 1918. Price, in Great Britain, 7s. 6d.; in U. S., \$2.50.

THE PROBLEM OF AN INTERNATIONAL COURT OF JUSTICE. By Hans Wehberg. Translated from the German by Charles G. Fenwick. xxxiii+251 p. 1918. Price, in Great Britain, 7s. 6d.; in U. S., \$2.50.

LES CONVENTIONS ET DÉCLARATIONS DE LA HAYE DE 1899 ET 1907. Accompagnées de tableaux des signatures, ratifications, et adhésions et des textes des réserves. Avec une introduction de James Brown Scott, Directeur. xxxiii+318 p. 1918. Price, \$2.00.

THE TREATIES OF 1785, 1799 AND 1828 BETWEEN THE UNITED STATES AND PRUSSIA. As interpreted in opinions of attorneys general, decisions of courts, and diplomatic correspondence. Edited by James Brown Scott, Director. viii+207 p. 1918. Price, \$2.00.

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Opening address by Elihu Root as President of the  
American Society of International Law at the Eleventh  
Annual Meeting of the Society in Washington, April 26,  
1917. ii+10 p. 1917.

#### CLASSICS OF INTERNATIONAL LAW

This series, which includes the classic works connected with the history and development of international law, was undertaken by the Carnegie Institution of Washington in 1906, at the suggestion of Mr. James Brown Scott, then Solicitor for the Department of State, under whose supervision as General Editor the series has since been published. On January 1, 1917, the project was transferred to the Carnegie Endowment for International Peace and the publication of the series is being continued by the Endowment's Division of International Law, of which the General Editor of the Classics is the Director. The republication of these classics has been undertaken principally on account of the difficulty of procuring the texts in convenient form for scientific study. The text of each author is reproduced photographically, so as to lay the source before the reader without the mistakes which creep into a newly printed text. An introduction is prefixed to each work, giving the necessary biographical details concerning its author and stating the importance of the text and its place in international law. Tables of errata in the original are added when necessary, and notes to clear up doubts and ambiguities or to correct mistakes in the text are supplied. Each of the Classics is specially edited by an expert in international law and is accompanied by an English version made expressly for the series by a competent translator.

The following works have appeared and are now on sale:

AYALA, BALTHAZAR: *De Jure et Officiis Bellicis et Disciplina Militari*. Edited by John Westlake. 2 vols. 1912.  
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Vol. I. A Photographic Reproduction of the Edition of 1582, with portrait of Ayala, Introduction by John Westlake, xxvii+226 p.

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LEGNANO, GIOVANNI DA: *De Bello, De Repraesaliis et De Duello*. Edited by Sir Thomas E. Holland. 1 vol. 1917. xxxviii+458 p. Price, 42s. 6d. in Great Britain; \$13.00 in the United States.

- I. Collotype of the Bologna Manuscript of 1393, with Extended and Revised Text of Same, Introduction, List of Authorities Cited, etc., by Sir Thomas E. Holland, together with Photograph of Legnano's Tomb.
- II. A Translation of the Text, by J. L. Brierly.
- III. A Photographic Reproduction of the First Edition (1477).

RACHEL, SAMUEL: *De Jure Naturae et Gentium Dissertationes*. Edited by Ludwig von Bar. 2 vols. 1916. Price, \$4.00.

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TEXTOR, JOHANN WOLFGANG: *Synopsis Juris Gentium*. Edited by Ludwig von Bar. 2 vols. 1916. Price, \$4.00.

- Vol. I. A Photographic Reproduction of the First Edition (1680), with portrait of Textor, Introduction by Ludwig von Bar, and List of Errata. 28A+vi+148+168 p.
- Vol. II. A Translation of the Text, by John Pawley Bate, with Index of Authors Cited. 26A+v+349 p.

VATTEL, E. DE: *Le Droit des Gens*. 3 vols. 1916. Price, \$8.00.

- Vol. I. A Photographic Reproduction of Books I and II of the First Edition (1758), with portrait of Vattel and Introduction by Albert de Lapradelle. lix+541 p.
- Vol. II. A Photographic Reproduction of Books III and IV of the First Edition (1758). xxiv+376 p.
- Vol. III. A Translation of the Text, by Charles G. Fenwick, with translation (by G. D. Gregory) of Introduction by Albert de Lapradelle. lxxxviii+398 p.

VICTORIA, FRANCISCUS DE: *Relectiones: De Indis and De Iure Belli*. Edited by Ernest Nys. 1 vol. 1917. 500 p. Price, \$3.00.

- I. Introduction by Ernest Nys, and Translation of Same, by John Pawley Bate.

- II. A Translation of the Text, by John Pawley Bate.
- III. Revised Text, with Prefatory Remarks, List of Errata, and Index of Authors Cited, by Herbert F. Wright.
- IV. A Photographic Reproduction of Simon's Edition (1696).

ZOUCHE, RICHARD: *Juris et Judicii Feialis, sive, Juris inter Gentes, et Quaestionum de Eodem Explicatio*. Edited by Sir Thomas E. Holland. 2 vols. 1916. Price, \$4.00.

Vol. I. A Photographic Reproduction of the First Edition (1650), with Introduction, List of Errata, and Table of Authors, by Sir Thomas E. Holland, together with portrait of Zouche. xvi+204 p.

Vol. II. A Translation of the Text, by J. L. Brierly. xvii+186 p.

*Announced for Later Publication*

BYNKERSHOEK, CORNELIUS VAN: *De Dominio Maris*.

I. A Translation of the Text, by Ralph Van Deman Magoffin.

II. A Photographic Reproduction of the Edition of 1744.

BYNKERSHOEK, CORNELIUS VAN: *Quaestionum Juris Publici Libri II*. Book II translated by Tenney Frank.

GENTILI, ALBERICO: *Hispanica Advocatio*.

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GENTILI, ALBERICO: *De Iure Belli*. Translated by John C. Rolfe.

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MENANDRINO, MARSIGLIO (Marsilius of Padua): *Defensor Pacis*.

PUFENDORF, SAMUEL VON: *De Officio Hominis et Civis Juxta Legem Naturalem*. Translated by Frank Gardner Moore.

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The same in French.

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# INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

## PROBLEMS OF THE PEACE CONFERENCE

I. American Opinion and Problems of Peace:  
An Interview given to EDWARD MARSHALL

By NICHOLAS MURRAY BUTLER

II. A French Plan for a League of Nations



JANUARY, 1919

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## AMERICAN OPINION AND PROBLEMS OF PEACE

An Interview given to EDWARD MARSHALL

By NICHOLAS MURRAY BUTLER

Published in *Echo de Paris* December 5, 1918, and *The Observer*,  
London, December 8, 1918

The American people approach the Peace Conference in a very fine and broad-minded spirit but without understanding the specific policies which they should consider and support and without any commitments to such policies. The public statements of the President have been almost universally and perhaps purposely couched in vague and general terms, and the more specific policies outlined by Senator Lodge were of course not advanced on behalf of the Administration.

There are three general phrases that the American people have been hearing constantly. They are "self-determination," "a League of Nations," and "the freedom of the seas." The first relates to the thousand-year-old problem of nationality; the second to the two-thousand-year-old problem of a better world-order; and the third to a specific and highly important item in that world-order.

### PRINCIPLE OF SELF-DETERMINATION

The American people believe in the self-determination of peoples and in the principle of nationality involving national consciousness, national organization, national tradition and national economic life. For this reason they are ready to support with complete

unanimity policies permitting the Czecho-Slovaks, the Jugo-Slavs and the Poles to organize their own independent governments and to take their places in the family of nations. For this reason they have applauded the return of Alsace-Lorraine to France, they will support the return of northern Slesvig to Denmark, the return of the Trentino to Italy and of sectors of Macedonia, Thrace and Asia Minor, which have largely dominating Greek populations, to either the sovereignty or the jurisdiction of Greece.

American opinion overwhelmingly favors Home Rule for Ireland, but the sober judicious majority would regard with dismay any attempted application to this problem of the principle of self-determination which would disrupt or even weaken the British Empire, since in every case except as to the still unsolved problem of Ireland, the British Imperial system has been a veritable nest for the hatching out of new, free and self-governing peoples.

So far as the principle of self-determination is concerned, therefore, American public opinion will be neither timid on the one hand nor chauvinistic on the other.

#### A LEAGUE OF NATIONS

The possibility of a League of Nations has been discussed for centuries, and probably Metternich and Talleyrand thought just such a League was being organized at the Congress of Vienna one hundred and four years ago. The foundations of that structure were insecure, however, for it was built on the shifting sands of reaction, of imperialism, of international rivalry and of military power.

Thus far two general and very different notions as to the League of Nations have found currency: the

one is that supported by orthodox socialists and has in mind the destruction of all the essential elements and characteristics of nationality in order to bring about what I have sometimes called a colloidal or jelly-like internationalism without real nations. This is the notion of the Lenines and the Trotskys, of the Liebknechts and the I. W. W. sympathizers. The achievement of this ideal would bring civilization to an end, make order impossible, destroy liberty and put mankind back at the foot of the ladder from which it began to mount when the Roman Empire fell to pieces.

The other notion of the League of Nations involves what I have called crystalline or true internationalism. In this each nation remains self-conscious, self-determined and ambitious in its own right, and takes its place in a new international structure as an independent element—like a single crystal in an ordered group of crystals.

In this case the group or league becomes stronger or more powerful according as the nations that compose it become stronger and more powerful.

True internationalism must be built on the union of strong and self-respecting nations. False internationalism would weaken or destroy together those nations which accept it.

The American people will have nothing to do with the false internationalism of Lenine and Trotsky, Liebknecht and the I. W. W. They know perfectly well that these men are enemies of a democratic republic, whether in Russia, Germany, or the United States. On the other hand, the American people will support, not with unanimity by any means, but by a substantial majority, a well-considered and thor-

oughly practical project for a League of Nations which shall be based upon the principles of true internationalism.

There are those who urge that the example of the Constitution of the United States should be followed in organizing this League, that precise and definitive articles of government should be adopted, that an international legislature, executive and judiciary, should be erected, and that the part of the nations in the new organization should be similar to that of the states in the United States.

There are two difficulties in the way of so ambitious a program. The first is that the public opinion of the world is not ready to support it, and the second is that some of the necessary conditions of success which were present in the case of the United States, would be lacking in the case of such a League of Nations. The United States met with a century of difficulties in spite of unity of language, unity of tradition and unity of legal system. These three vitally important unities would be lacking in a League of Nations which should take the United States as its model.

The true analogy between the United States and a League of Nations lies not on the surface, but deeper. It is found in the principle of federation with its accompanying characteristics of legal and economic cooperation. American opinion is ready for this if it be guided by a policy of lofty patriotism, broad international service and sincere democratic feeling.

#### A WAY TO FORM A LEAGUE OF NATIONS

What the American people are asking today is this: Given conditions as they now exist in the world, how shall we proceed to form an effective League of



Nations? This question the head of the American government has not attempted to answer. The most practical procedure appears to be the following: The allied Powers which have won the war have been for the purposes of war and, at the present moment, are a League of Nations. They have unified their international policies. They have put their armies and their navies under single commands: they have pooled all their resources in shipping, food, munitions and credit. Let these nations, assembled by their representatives at Versailles, declare themselves to be a League of Nations organized for the precise purposes for which the war was fought, and with which their several peoples are entirely familiar, namely, the definition and protection of standards of international right and justice, the sanctity of international obligations, and the right of the smaller and less numerous peoples to be free from attack or domination by their larger and more powerful neighbors.

As a beginning nothing more is needed. There is no necessity for an international constitution, no necessity for an elaborate international government machine, in order that the great enterprise may be launched. So far as these may be needed, they very well may come later.

The second step should be to invite those nations that have been neutral in the war to join the League on condition that they formally give adhesion to the three ends or purposes for which the League is organized.

The third step should be to invite the recently submerged and oppressed nationalities to present before the League their several cases for hearing and determination. When these have fully shown the basis of

their geographical and political claims, and when the League of Nations has been satisfied as to the justice of these claims, then the petitioners should be invited to form their own governments; and when they have done so, they should be admitted to the League of Nations as independent units.

While this process is going on and so long afterwards as may be necessary, Germany and Austria-Hungary should be kept outside the League. It is inconceivable that the governments and peoples which almost disrupted and overthrew the civilized world should be invited to confer as to the method of the world's reconstruction, or as to their own punishment for their own sins, or as to the form of government to be adopted by the peoples whom they have so long dominated or terrorized.

When the League of Nations shall be wholly satisfied that Germany and Austria-Hungary, and the Germans and Austro-Hungarians, have washed from their hands the blood of Belgium and Serbia, have really repented for such crimes as the "Lusitania" and "Sussex," and have exorcised the evil spirits that have possessed them, then and then only should Germany and Austria-Hungary be taken back into the family which they jointly attempted to murder.

I see no practical way other than this by which any headway can be made with regard to the project for a League of Nations. If there be an attempt to build it on the foundations of sentimentality or artificiality or neglect of the obvious facts, the project will fail and one of the greatest opportunities growing out of the world war will be lost.

The resumption of the work of Hague Conferences and the building of an international judicial and

economic structure would follow the foundation of such a League as I suggest as a matter of course and in due time.

#### FREEDOM OF THE SEAS

The American public is wholly mystified as to what is meant by "freedom of the seas." That phrase had a pretty definite meaning as late as the time of the American Civil War, but subsequent events have deprived that meaning of much significance. In time of peace the seas are and long have been entirely free. In time of war they have always been commanded by the possessor of the strongest navy. If that condition had not prevailed in 1914 Germany would have won the war just ended within twelve months from the time of its beginning. With Germany's army in a position to do as it chose, and the naval hands of Great Britain and France tied behind their backs, the issue raised by Germany on August 4, 1914, would not long have remained uncertain. The mastery of the seas by the British Navy has proved to be the most powerful single element in bringing about the downfall of militarism.

The world realizes that fact, and will not support any proposal which would change this condition in essence, although it may do so in form. Unquestionably the Allies have good reason to approve those conditions on the sea which just now have prevailed. The cowardly and wicked use of the submarine by Germany was the greatest menace to the freedom of the sea that history records. The Barbary pirates and roving privateers were negligible when compared with the submarines.

If the phrase "freedom of the seas" has to do with access to navigable waters by landlocked people or

with unprivileged use of international straits, waterways, and canals, well and good. American opinion will support "freedom of the seas" when used in such a sense.

#### THE AMERICAN POINT OF VIEW

The American heart has been touched by this war as never before. The sufferings and sorrows, the patience and endurance, the heroism and sacrifice of the Allies, particularly of France and Great Britain, have stirred America to the depths. The American people realize that the difficulties of peace are to be quite comparable to the dangers and disasters of war, and that where the ruling principles are to have so many and so important concrete illustrations, there naturally will arise differences of opinion more or less sharp, and conflicts of temperament more or less open. The American people well remember the similar difficulties and conflict that arose between wholly patriotic and high-minded men in their own country at the close of the American Revolution and again at the close of the Civil War. We of the United States shall be patient and endeavor to see beyond and behind these superficial conflicts, first, because our people now understand Europe as they never did before, and second, because we are bound to the victorious peoples of Europe by stronger and more affectionate ties than ever have existed in the past.



## A FRENCH PLAN FOR A LEAGUE OF NATIONS

From the *New York Times*, December 20, 1918

PARIS, December 19. Baron d'Estournelles de Constant today gave The Associated Press the French plan for bringing about a society of nations which the Baron and Senator Léon Bourgeois, formerly French Premier, presented to Premier Clemenceau several days ago. The Premier gave assurances that the principle of a society of nations would be inscribed at the head of the French program before the Peace Congress.

Baron d'Estournelles de Constant and M. Bourgeois were delegates at both Peace Conferences at The Hague and are the French members of the Permanent International Court at The Hague. They said that they had presented their plan to Premier Clemenceau with some apprehension, as he had not yet declared himself in favor of a league of nations, having been regarded as typifying the fighting spirit which has gained him the name of "the Tiger."

They first handed the Premier a letter which said in part:

"We are convinced that a durable peace can be assured only in substituting for a reign of force that of organized right. It is the object of our association to aid in the constitution of a society first of part and then of all the nations. This society should, according to the recent declaration of President Wilson, be a most



essential party in securing the maintenance of peace."

Premier Clemenceau was an attentive listener to the details of the plan. Concerning the principle of such an organization he said it would be set down in the program and would go before the Peace Congress at the head of the subjects to be discussed, but he asked particulars of the details of the organization of this international society, especially as to whether the French advocates of it were coöperating with British, American, Italian, and other organizations to ascertain if the present project was supported by all nations.

Explaining the detailed plans presented to the Premier, Baron d'Estournelles de Constant said to The Associated Press:

"The essentials of the plan are: First, compulsory arbitration without limitation or exception. This leaves out the old exception of questions involving national honor and dignity. Second, limitation of armaments. Third, the establishment of a council of administration of the nations for the formulation of new international administration and international law procedure. Fourth, the application of 'sanctions' for making effective the decisions of the society of nations. 'Sanctions' is a diplomatic expression meaning the various steps for enforcing compliance. They are fourfold

"First—Diplomatic sanction. The society of nations shall break diplomatic relations with any recalcitrant nation and give his passports to the Ambassador or Minister representing that nation.

"Second—Juridical sanction, whereby the courts of all countries will be closed to a recalcitrant nation. It will thus be practically quarantined and placed outside the pale of civilized states.

"Third—Economic sanction, whereby the economic means of all nations shall be directed against any recalcitrant state. This economic weapon of the united nations will be a great power in isolating any offending nation, cutting off its foodstuffs and raw materials, when it acts in defiance of the society of nations.

"Fourth, Military Sanction.—This is the last sanction by which the joint nations would undertake to enforce observance of the decisions of the society of nations. This military sanction is the most difficult and delicate of all the questions involved in creating the society of nations.

"There will be different views concerning the military enforcement of peace. It is the purpose of our organization to reconcile these differences and secure some workable basis of agreement. One view is for a small international military force, or the nucleus of an international fleet. Others regard this as unnecessary, and prefer to rely on the moral force of the united nations. Some may wish to give up compulsory military service but retain the navy.

"These divergent views must be reconciled. That is the main task which M. Clemenceau asked us to undertake. We regard our meeting with the Premier as highly important in inscribing the principle of a society of nations at the head of the program. For that we understand to be in accordance with the desires of President Wilson to place the high ideals of this United States against further warfare at the very forefront of the Peace Congress, and adopt it as the guiding principle in the determination of many questions before the conference."



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## THE PROBLEMS OF RECONSTRUCTION

INTERNATIONAL AND NATIONAL



EDITED BY  
LINDSAY ROGERS

FEBRUARY, 1919  
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AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
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# THE UNIVERSITY OF CHICAGO

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## PREFACE

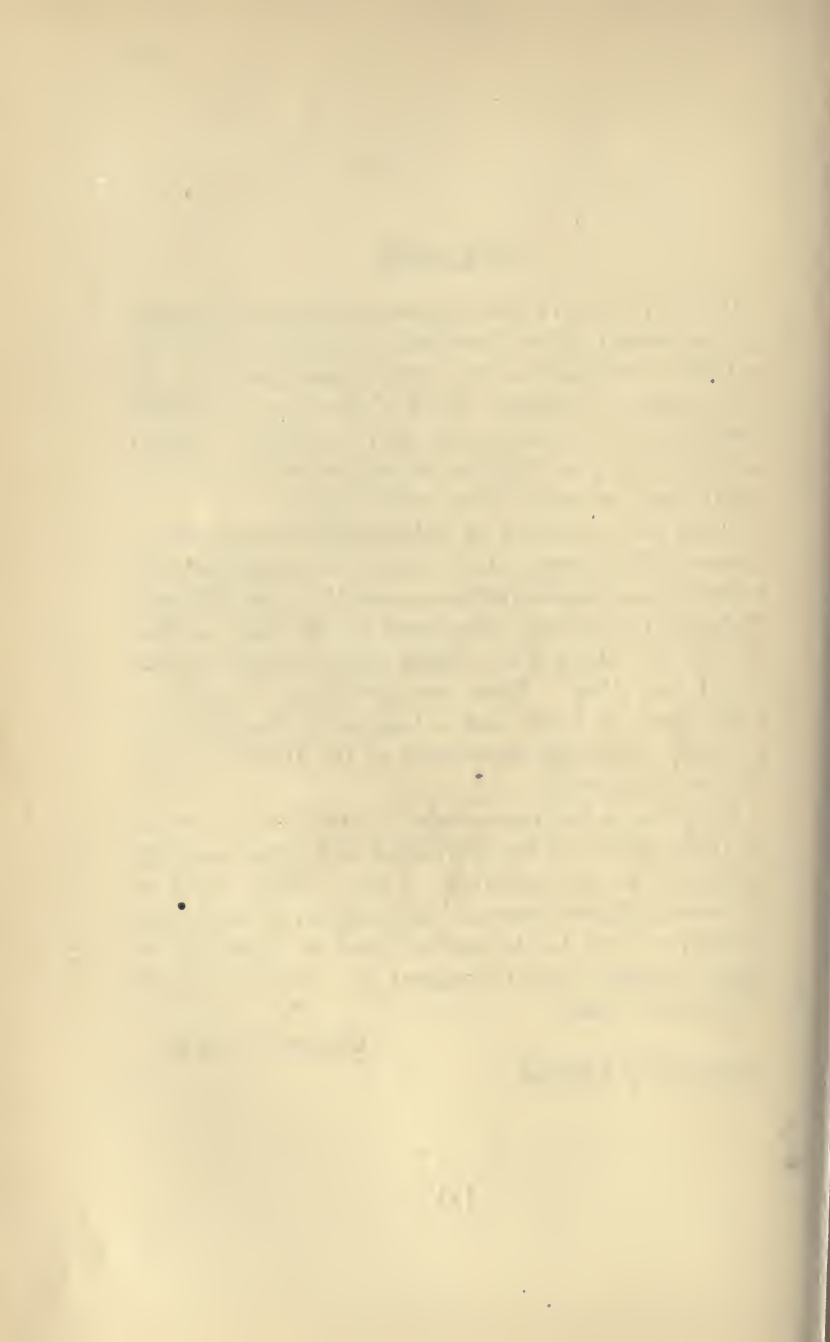
This collection of material on reconstruction, edited at the request of the American Association for International Conciliation, has a very modest purpose. It aims simply to indicate some of the more accessible literature on reconstruction and to suggest certain subjects which at this time it may be worth while for polity clubs or study circles to investigate.

With the exception of international trade and a League of Nations no attention is paid the problems of international reconstruction covered by Mr. Wilson's "fourteen points" and considered in the study outline on *The War Aims of the United States* which was published last May. These two problems, however—restrictions on trade and a League of Nations—are probably, from the standpoint of the United States, the most important.

No attempt has been made in these notes to cover all the problems of reconstruction or to give complete references to the literature. I have simply tried to indicate sufficient sources of information to enable the student to find for himself all that is available, to excite thought, and to suggest the more profitable subjects for study.

LINDSAY ROGERS

*University of Virginia*



## I. INTRODUCTORY

### I. THE SPIRIT OF RECONSTRUCTION

The war is over and reconstruction begins, giving rise to problems quite as important as the issues over which millions of men have fought since August, 1914. No matter what the terms of the peace treaty are, whether it secures restitution, reparation, security for the future, a settlement that promises to be lasting, and a League of Nations, there will be peace without victory unless reconstruction leads to freedom. The war was fought partly to make the world safe for democracy; its outcome will not be satisfactory unless democracy is made safe for the individual. That is the task which now confronts the world.

In the United States the problem is looked upon largely as involving a simple change from a war to a peace basis; of resuming business as usual; of reëstablishing the *status quo ante bellum*, and the transition period feared by all European nations, and particularly by Germany, is not expected to be serious. This is only natural because our participation in the war was not sufficiently prolonged and did not require enough sacrifices, either to make economic readjustment a revolutionary process or to shadow by death the future life of every family. This is not to say that all the resources of America in men and material were not pledged to the winning of the war. They were; but in England women in industry are numbered by

the millions, while ours are numbered by the hundred-thousands. England suffered from hunger and cold while we put up with temporary inconveniences. She mortgaged all her resources while ours have barely been scratched. Her hospitals and cathedrals were bombed while we were only slightly worried by submarines off the coast. She sent every available soldier to the front while we could comb our man-power with great regard for dependency and industrial claims. And, finally, her casualties for six weeks of heavy fighting are hardly equalled by our total losses. It is this personal sacrifice, universal in England and only occasional in the United States, that is most important. There is little wonder, then, that England was more consecrated to the war than the United States, and that reconstruction is looked upon as involving a spiritual principle rather than a simple economic readjustment. No one in England would desire, were it possible, simply to go back to the conditions of 1914; they are gone forever. In the uncharted future will be gained or lost the complete fruits of the military victory won at such great cost.

For the men who come back from the front will be fully determined to have greater political privileges and economic opportunities than any democracy has ever yet vouchsafed its citizens, and there is equally the determination in England among those who have stayed at home that men who have breathed the freer air of common sacrifice must not be forced to return to the stuffy atmosphere of self-interest; that England must be made a nobler and better place for them; that political and economic principles must be tested and revised to insure that reconstruction will mean the greatest possible measure of liberty and

happiness to the individual, and that, finally, the *Machtpolitik* which the armies of freedom have combatted in all quarters of the world will not again be permitted in the fierce competitive individualism that, before the war, was common not only to England, but to all modern democracies. Reconstruction viewed thus would purify England, eliminate what was bad, invigorate what was good, and a true renaissance would establish the British Empire more firmly and completely on the moral basis of freedom.

On the other face of the shield can be read unmistakable warnings that this must be done. The war brought into prominence three great ideals, and for them millions of men have suffered. A league of free nations—the realization of the ideal that the war just finished has been a war against war and that the world is safe for peace-loving people—is within our grasp if we choose to take it. Germany's vision of world hegemony, of a vast *Mittel-Europa* that she would dominate, has been shattered, but in defeat the peoples of the Central Powers, like those of Russia, will likely suffer far more from democratic excesses than they would have from the triumph of the opposing armies. The two ideals are widely different, but the tyranny is the same. The leaven of democracy has had results; but instead of enjoying a rebirth of freedom Russia and now Germany have been plunged into abysses from which they will emerge only at a cost comparable to that incurred while they were carrying on hostilities. The menace to other nations, if not so immediate and challenging, is nevertheless grave. How far will Bolshevism spread before it is conquered? The terrible sufferings of four years, the tempered spirit of France, and the wine of



victory have strengthened her further to resist. But will she always? England's long-cherished liberal institutions will make her problems less acute, but there is the danger that the economic materialists will look upon reconstruction solely as a question of re-establishing industry and securing a larger share of the trade of the world, and will pay no regard to the heritage of freedom which is essentially the ideal for which Britons fought and died. Reconstruction, if it is to suffice, must dedicate the country to freedom; it must mean a new birth of happiness and of a patriotism learned in the trenches, based on fellowship and love, and thus immune to the germs of revolution.

In the United States, courage and vision are less necessary but still important. *Laissez-faire* and *Machtpolitik* must alike be discarded as guiding principles of statecraft; liberties given up for the duration of the war must be restored; we must try to prolong and to dedicate to new and national purposes the moral forces which pledged our resources to securing a better internationalism. They have checked a menace; they must go on and secure a better future. American losses have been sufficient to justify, even if they do not make inevitable, a new spirit; lives were given not for the old but for the new America that it is within our power to make. Nor will we be without specific, difficult problems. Industry must go from a war to a peace basis; three million men must be absorbed in various trades and professions. We may be in for a period of unemployment and perhaps acute depression, for the industrial system in the United States is not so perfect that the germs of Bolshevism may not find lodging places, and it behooves us to be awake. Conscription has made a vital difference.

Had the voluntary system been adhered to, national obligations would not have been so great, but the State demanded the men it chose and sent them to Europe; it cannot now deny them a fair measure of freedom and happiness.

This, then, is the test. Shall the United States be worthy of the sacrifices that have been made for its honor and international safety? The compulsion is not so great as in the case of European democracies. Our losses have not been so severe. The menace from crimes committed in the name of democracy is not so imminent. But, had it been necessary, the United States would have passed through any ordeal; personal suffering, no matter how universal and keen, would not have weakened its will. The country was pledged to victory; that it did not need to endure consecration by the blood of countless sons may make the spirit of reconstruction less compelling, but the opportunities are just as great and England can once more be our teacher.

## 2. PREPARING FOR RECONSTRUCTION <sup>1</sup>

### 1. *France*

France was the first country to take any steps providing for the after-war period. It was because her territories were devastated that her statesmen were compelled to cope with the problems of rehabilitation. On May 18, 1916, the President of the Republic created an interministerial committee to aid in the reconstruction of the invaded regions. On July 28,

<sup>1</sup>From an article by Elisha M. Friedman, *Congressional Record*, October 14, 1918, p. 12203. Mr. Friedman is the editor of *American Problems of Reconstruction* (Dutton) and a recognized authority on the subject.

1917, this commission was reorganized by presidential order. It included the ministers of the interior, of public works and transportation, of agriculture, of labor and social prevention, of war and munitions, and the undersecretaries of the general administration of the army and of commerce, industry, posts, and telegraphs.

During August, 1917, a law was passed to open an agricultural credit of 300,000,000 francs for the purpose of purchasing material, draft animals, cattle, seed, grain, plants, and other material urgently needed for the resumption of agricultural life in the devastated departments. A similar measure was enacted to aid the merchants in the invaded regions in purchasing the raw materials and tools needed for the restoration of industry.

On September 25, 1917, there was issued a presidential order constituting the ministry of public works and transportation as a special committee charged with studying the means needed to reestablish dwellings and to rehabilitate the real property damaged or destroyed by the invaders. This committee includes representatives of the various cabinet departments and of their bureaus. Its duties are to conduct investigations, to control building materials, to find manual labor and means of transportation, and to prepare the plans necessary to restore roads and structures.

In a letter to the President, dated October 1, 1917, the minister of finance, L. L. Klotz, pointed out that although there had been paid out to the war sufferers instalments to apply on the reimbursement for the war damage inflicted, this measure was inadequate to revive economic activity. He recommended, therefore, that there be created a commission to study

the means of organizing credit, so as to facilitate the restoration of industry and agriculture. Shortly thereafter, October 17, the President created this commission under the presidency of the minister of finance, and including representatives of the various ministries, economists, engineers, bankers, members of the chambers of commerce, and of various agricultural and industrial societies. (*Bulletin de Statistique et de Legislation Comparée*, for August, September, October, 1917.)

## 2. Germany

Reconstruction in its wider aspects was taken up in Germany officially in August, 1916. On the 3d of that month the Bundesrat issued its decree nominating an imperial commission for the period of economic transition. (*Reichscommissariat für Übergangswirtschaft*.) Article 1 of this law specifically empowers the commissioner to control the importation of merchandise and its distribution according to the instructions of the Imperial Chancellor, who will fix the date when the law ceases to be in effect. The commission was to be aided by representatives of the Federal States, the officials of the Empire, and a number of specialists. The duties of the commission, according to an address of the Finance Minister Helfferich, at a meeting of the Reichstag committee on trade and commerce, October 14 and 16, were to bring the soldiers back to civil life, to care for the disabled and provide suitable work for them, to eliminate women and children from the labor market, and to restore protective labor laws. Its additional tasks were to create credit based on real and personal property, to revive trade, to deflate the currency, and to make liquid the capital tied up in war



loans. Most important of all, it would study the raw material and shipping situation.

The commission consists of nine departments, covering (1) finance; (2) transportation; (3) iron ores, timber, paper and stone; (4) the nonferrous metals, graphite, and clay; (5) textiles, with subdepartments for cotton, wool, flax, and substitutes, etc.; (6) food, feeds, and meats; (7) over-seas imports, as rubber, tobacco, sausage skins, oils, general organization of transition economy, priority, rationing, demobilization, and general economic and legal questions. There are also two special departments covering statistics and administration.

To aid it in its work there was also created a "transition economy parliament," a council of over 250 members, subdivided into twenty-one subcommittees, which include some of the leading financiers and manufacturers. On October 21, 1917, a new ministry was created to deal with problems of reconstruction, whose purpose was to unify the divers measures already undertaken. The imperial ministry of economics (*Reichswirtschaftsamt*) took over that part of the duties of the ministry of the interior which dealt with social and economic problems and absorbed the imperial commission for transition economy. The new ministry has under its jurisdiction policies concerning industry, taxation, statistics, bourses and banks, tariffs, treaties, foreign trade, as well as social legislation. Its three main tasks are at present to find a supply of raw material and foodstuffs, to supply and distribute ocean tonnage, to improve the rate of exchange, and, in general, to facilitate the transition from a war régime to a peace basis.



It is divided into two main sections, one dealing with commercial and economic questions and the other with domestic social policy. The former is subdivided into three subsections, the first dealing with agriculture, manufacturing, and banking, which are further classified by industries. This subsection will deal with compulsory amalgamation of industry, taxation, and related questions. The second deals with navigation, water power, fisheries, etc. The third is concerned with economic intelligence and information, exhibitions, publications, propaganda, and chambers of commerce abroad. (*Bulletin de Statistique et de Legislation Comparée*, October, 1917, pp. 656-657; *Board of Trade Journal*, January 31, 1918; *Deutsche Tageszeitung*, August 31, 1917; *Vorwärts*, August 9, 1917; *Vossische Zeitung*, February 7, 1918; *Norddeutsche Allgemeine Zeitung*, February 19, 1918.)

### 3. Great Britain

Late in 1916 the British Board of Trade appointed several committees in the various trades to consider their position after the war, with special reference to international competition, and to report such measures as might be necessary to safeguard those positions.

\* \* \* \* \*

After vigorous appeals by influential Englishmen like Sidney Webb and Lord Parker, of Waddington, and largely as a result of the study of the progress of preparations for peace made in other countries, Great Britain established a ministry of reconstruction on August 21, 1917, to promote organization and development after the termination of the war. (New minis-

tries act, 1917, 7 and 8 Geo. V, c. 44.) The act of Parliament provided that "it shall be the duty of the minister of reconstruction to consider and advise upon the problems which may arise out of the present war and may have to be dealt with upon its termination, and for the purposes aforesaid to institute and conduct such inquiries, prepare such schemes, and make such recommendations as he thinks fit." The act also provided that "the minister present a report to Parliament each year of such of the schemes prepared and recommendations made by him as he shall deem suitable for publication."

Shortly after its organization the ministry published a list of its committees and commissions, eighty-seven in all and falling into fifteen groups: (1) Trade development; (2) finance; (3) raw materials; (4) coal and power; (5) intelligence; (6) scientific and industrial research; (7) demobilization and disposal of stores; (8) labor and employment; (9) agriculture and forestry; (10) public administration; (11) housing; (12) education; (13) aliens; (14) legal (pre-war contracts and "period of the war"); (15) miscellaneous (munitions, land settlement, and civil aerial transport). The reports of many of these committees have been submitted to Parliament and several published.

#### 4. *Canada*

In Canada there was formed early in 1918 an unofficial committee called the Canadian Industrial Organization Association, in order to consider and prepare to meet the after-war problems in industry, to maintain industrial stability, and to obtain wise consideration and treatment of reconstruction problems. According to a statement issued by the executive

committee of the association, it will investigate the conditions in the various industries, the markets which they must supply, the particulars of labor, competition, and the comparative cost of transportation. Among its other aims are to promote better relations between capital and labor, to improve the social and industrial welfare of women, to support technical and general education, to increase coöperation among rural producers, improve rural conditions, and provide for land settlement of the demobilized army. (*New York Times*, June 9, 1918.)

### 5. Italy

In the early part of 1918 the Italian Government created a commission to study and formulate measures needed to affect a transition from a state of war to a state of peace. There had been various committees working, but a new ministry of economic reorganization was advocated to consider the acquisition of raw materials for manufactures, the increase of the Italian merchant marine, the regulation of foreign exchange by the control of trade, and the treatment of problems in labor, education, and social policy. The new commission has two auxiliary commissions, the first of which deals with administrative, judicial, and social questions, and the second with industrial, commercial, and agricultural problems. Each of the auxiliary commissions will be subdivided into sections to investigate the question apportioned to them and submit their findings to the central committee, which will draft a report to Parliament. (*Weekly Bulletin*, Canadian Department of Trade and Commerce, May 27, 1918.)

### 6. *Japan*

With a view to inaugurating new policies so as to insure continuation of its prosperity after the war, Japan appointed an economic commission, consisting of representatives of the departments of foreign affairs, finance, communications, and of agriculture and commerce, who ought to have the services of distinguished Japanese scientists. The scope of work will include a study of the changed conditions of industries as a result of the war, the retention of its foreign trade, especially in the Far East, and the fostering of the newly established industries and an investigation of the necessary tariff reforms and the effect of the war on national and international finance. (*Japanese Official Gazette*, Americas, April, 1917.)

As part of the plan for fostering foreign trade there was established in Yokohama a foreign-trade bureau, which will investigate foreign-trade conditions, collect and exhibit samples of imports and exports and catalogues and magazines. It is further intended to send technical commissioners abroad to study industry so as to maintain the efficiency of native industries. Exhibits of samples of Japanese goods in various countries are another feature of the after-war trade program. (*Weekly Bulletin*, Canadian Department of Trade and Commerce, August 12, 1918.)

### 7. *Russia*

In 1916 Russia similarly had appointed a commission to study the problems of transitions from war to peace. The program was to include the development of the resources of the Empire, to adapt industrial concerns now on a war basis to peace conditions, to



secure raw material, fuel, and machinery, and to secure employment for the demobilized army and navy. In addition, the problem of currency and the public debt was to be taken up. A brief summary of the scope of the work of this economic and financial commission included the following questions of:

I. Foreign trade.

II. Attraction of foreign capital.

III. Development of ways of communication.

1. Financial measures necessary for railway construction and waterway improvement.
2. Measures to coördinate rail and water transportation.
3. Commercial navigation and the construction of ports.
  - a. Creation of a commercial fleet, improvement of conditions of commercial navigation, and construction of ports.
  - b. Development of navigation by sea, particularly the establishment of a northern water route.

IV. Development and improvement of agriculture.

V. Development of industry:

\* \* \* \* \*

4. Establishment of credit for industrial concerns.
5. Measures relating to individual branches of industry and the promotion of new branches of industry to manufacture articles now imported.



VI. Regulation of foreign and domestic trade:

1. Measures for promoting the sale of goods exported from Russia; the establishment of permanent official bureaus, both in Russia and abroad, for supplying information and promoting foreign trade; development of Consular Service.

VII. Measures for utilizing natural resources and developing industrial life in the north of European Russia and various districts of Asiatic Russia.

VIII. Measures relating to State dominions:

1. Extension and improvement of forestry.
2. Exploitation of oil-bearing land, salt springs, gold-bearing areas, and other State property.
3. Consideration of introducing system in some branches of industry and trade.<sup>2</sup>

### *8. Belgium*

Upon the recommendation of the minister of foreign affairs, King Albert created a ministry of economic affairs on October 12, 1917. In the words of the recommending report, "the destruction and ravages of the war and the illegal despoiling of our resources by the enemy had previously led the Government to create a number of organizations to prepare for the restoration of the economic life of the kingdom. However, it is advisable that the work of economic reconstruction be directed after methodical plans in which all the great national interests will be harmonized. There should be an intelligent unity of conception in the

<sup>2</sup> Abstract of Journal of Russian-American Chamber of Commerce, Moscow, October, 1916. *Commerce Reports*, February 8, 1917.

economic field. A wisely coördinated plan will promote the best interests of the nation. A consideration of the ends to be attained and of the facts involved lead me to the conviction that only a new department will be able to prepare adequate solutions to the grave questions which will crowd in upon us."

Article II of the law provides "that there will be attached to the ministry of economic affairs (a) the bureau of economic studies; (b) the committee of economic inquiry at London, Paris, and The Hague; (c) the Italo-Belgian committee of economic studies; (d) the Belgian delegation to the permanent international committee of economic policy; (e) the bureau of industry, created in order to study the measures to be taken and the policy necessary for the industrial reconstruction of Belgium; (f) the national consulting committee of minerals and metals; (g) the commission for the industrial and agricultural revival of Belgium; (h) the bureau of war devastation." Article III provides that "the minister of economic affairs shall take over from the other ministers the plans in preparation for economic reconstruction."

Immediately upon his appointment the new minister, Paul Hymans, recommended that there be created an economic council, consisting of experts outside of Belgium, to whom the minister might look for advice and coöperation. This body was created by royal decree on October 13, 1917. A reconstruction mission, consisting of a representative of the Belgian Board of Trade, some scientists, some labor representatives, and technical experts, is to visit the United States for the purpose of making a survey of American industrial methods, which may be used in rebuilding Belgium.

An industrial company, whose aim is to assist in the purchase of tools and raw materials of all kinds, metals, leather, textiles, chemicals, farming and other machinery, electrical goods, cars, and trucks, was organized under the name *Comptoir National pour le Réprise de l'Activité Économique en Belgique*.

The planning for industrial rehabilitation and for the rebuilding of destroyed villages and cities, the repairing of ruined structures, and the replacing of public and private equipment has been provided for. A committee on national reconstruction has been formed under the leadership of the prime minister, Baron de Broqueville. (*Bulletin de Statistique et de Legislation Comparée*, January, 1918; *Commerce Reports*, June 6, 1918; *Christian Science Monitor*, April 24, 1918; *New York Times*, February 24, 1918.)

#### 9. Austria

Like Germany, Austria also has a minister for transition economy. There was recently formed in Hungary an interministerial commission for the distribution and utilization of military goods which are no longer needed on demobilization. The commission will be charged with the distribution of these goods among the various branches of production and with the control of the central organization which is to be created to carry out the actual work. The commission consists of the minister for transition economy (as president), one representative from each of the ministries of trade, agriculture, finance, the interior, national defense, transition economy and national welfare, and the national food ministry. (*Board of Trade Journal*, March 28, 1918.)

### 10. Bulgaria

In anticipation of a revival of trade after the war, Bulgaria developed water-power facilities, created a bank for the promotion of trade, and founded a great variety of banks for the financing of industry with a total capitalization of about \$50,000,000. (*Commerce Reports*, October 27, 1917; January 22, 1918.)

### 11. Serbia

In realization of the collapse of agricultural and commercial activity in Serbia, the State has undertaken to assist and control private initiative in the attempt to revive the national industrial life. The ministry of commerce communicated with traders and banks and others concerned in the reprovisioning of the country so as to regulate the quantity, price, and origin of imports, special preference being given to the allies.

Assuming that the central powers would retain Serbia, the Hungaro-Bosnian and Oriental Economic Central Association has undertaken a study of the reconstruction needs of Serbia in agriculture, industry, trade, as well as social and cultural institutions.<sup>3</sup>

### 12. Spain

In order to anticipate its future needs, Spain appointed, late in 1917, a commission of the directorate general of industry and commerce, which, within four months, was to draw up a memorandum dealing with the questions of the foreign trade of Spain. The subjects on which the commission is to report cover:

<sup>3</sup> *British Board of Trade Journal*, February 1, 1917. "Our Economic and Cultural work in Conquered Serbia," by Dr. Constantin Partos.



1. The state of the foreign trade of Spain in 1913 and 1914, classified by countries and articles and citing the competition encountered and the reasons Spanish manufacturers found it impossible to retain these markets.

2. The disturbance in the world market occasioned by the war; nations that have suspended their exports; nations that have maintained their export, showing the extent and the conditions; markets lost and won by Spain; the permanent and transitory character of new exports from Spain; the strengthening of former branches of the export trade; Spanish industries that have increased their productive capacity by entering such market.

3. The analysis of the economic consequences of the war, including the possibility of economic wars and the formation of two irreconcilable groups, or the necessity for living together economically with no greater separation than that of differential tariffs among allies; the consequences to Spain of either form of international trade arrangements, and the foundation on which Spain may base the continuation of its economic relations with the various groups; an inquiry into the system of commercial treaties, including a consideration of the "most-favored nation" clause; a tariff for encouraging Spanish industries; and a defensive custom tariff to counteract export bounties.

4. Economic independence of any country is not entirely desirable as it might isolate it from the rest of the world; the commission is, therefore, to include a classification by countries—the market and products of the goods which Spain can contribute toward the trade of the world in such a manner as to allow



Spain to obtain supplies from foreign countries and build up home industries by acquiring outlets abroad. (*Gaceta de Madrid*, October 15, 1917; *Board of Trade Journal*, November 22, 1917.)

Late in 1918 the minister of public works announced "the creation of an organization which will forthwith take care of the economic life of Spain, both for the period of transition between war and peace and for the lines of policy which will have to be followed after the war." (*British Board of Trade Journal*, August 1, 1918.)

### 13. *Holland*

On July 2, 1918, the Netherlands minister of foreign affairs installed the "advisory commission for economic information abroad," with a view to coping with the increased impediments in the world's traffic after the war. Among the plans provided for are an increase in the number of consuls, greater facilities for travel by consuls, and the creation of an office of technical adviser at the important consular posts. (*Commerce Reports*, September 3, 1918; *New York Times*, August 7, 1918.)

### 14-15. *Scandinavian Countries*

Representatives of the Scandinavian countries assembled at Stockholm to consider means for the protection of Scandinavian trade after the war, in the direction of further commercial coöperation, the adoption of uniform commercial law, a revision of the maritime law, and the further maintenance of the Scandinavian coin convention. (*London Economist*, October 20, 1917.)

In order to acquire greater economic independence and to import the least possible amount of goods, the Norwegian Government established a department of industrial supply, whose function will be to develop the natural resources of the country and to build up the industrial organization of the country. (*Commerce Reports*, February 7, 1918.)

In Sweden there was formed in the summer of 1918 a new organization to aid the export trade after the war. As a result of the close coöperation in Germany between the State and industry, Swedish merchants felt the need of following all measures taken in foreign countries which may be inimical to Swedish interests. By coöperation and centralization Swedish traders intend to secure the most favorable prices and conditions. An expert committee capable of negotiating new trade treaties is an outgrowth of the new organization. (*Tidskrift för Industri, Commerce Reports*, July 6, 1918.)

#### 16. Chile

On September 6, 1917, the President of Chile appointed a committee to investigate and report on the condition which the industries and commerce of Chile will face upon the reestablishment of peace, the competition between domestic and imported commodities, and to recommend measures for the protection of the present condition and for the encouragement of their further development. (*Commerce Reports*, December 15, 1917.)

#### 17. Brazil

Some recent economic measures, though not strictly relating to *post-bellum* conditions, indicate the foresight with which all nations regard the future. At a

recent meeting of the Commercial Association of Rio de Janeiro it was proposed to extend the commercial relations of Brazil by studying how to increase reciprocal commercial relations between Brazil and its allies, by asking for suggestions from chambers of commerce in foreign countries concerning Brazilian legislation, tariffs, exchange, and merchant marine, and by intensifying domestic production. (*Commerce Reports*, May 14, 1918.)

### 13. Colombia

A financial conference of the representatives of various chambers of commerce in Colombia convened to study the drop in foreign exchange, its cause and remedy, the deficiency of currency, and the fiscal crisis.

#### *Opposition to Reconstruction Discussions*

In England some of the leading publications have opposed the discussion during war time of after-war conditions because of the many uncertain factors in the situation. The *London Economist* (May 4, 1918) severely criticized the report of the Balfour committee on commercial and financial policy after the war. A similar attitude is prevalent in Italy and Japan. (*Corriere della Sera*, July 16, 1918; *Nichi Nichi*, October 22, 1917.)

### 3. THE MACHINERY OF RECONSTRUCTION IN THE UNITED STATES

The fact should not be overlooked that reconstruction in the United States is made more difficult by the division of powers between the state and federal governments. The vast extension of federal authority

over industry, transportation, means of communication, food, fuel, and raw materials has been constitutionally possible only as necessary and proper to carrying into effect the power of Congress to wage war and support armies. Such matters as health, housing, education, the control of raw materials, the land question, children and women in industry, the labor contract, hours, wages, and the participation of employees in the control of the industry—under the American constitutional system, apart from congressional control of commerce—come under the jurisdiction of the forty-eight states. In some cases, of course, the states and the federal government will deal with different phases of the same problem. Thus the Interstate Commerce Commission and the various railway commissions of the states both deal with railroad rates. The Federal Forest Service and the Forest Services of a number of the states deal with the conservation of the lumber supply. The Federal Department of Agriculture and the Commissioners of Agriculture of the various state governments deal with the same problems. Education has long been peculiarly the province of the state governments, but there is now also a Federal Bureau of Education.

Since the entrance of the United States into the war, moreover, we have in several instances witnessed the unusual spectacle of the federal government entrusting the administration of certain of its measures to state authorities. Thus, in the case of the Selective Service Law, its entire machinery was operated through the medium of the State Adjutant Generals who are regular officials of the state governments, and the control of building trades by the War Industries Board left the enforcement and application of



its orders to the State Councils of Defense. In the reconstruction there will doubtless be similar opportunities for coöperation and for administration through local government agencies. The constitutional bar to a federal educational or housing and health policy makes reforms more difficult; the forty-eight local jurisdictions need not act at all, and if laws are passed, they will doubtless be widely at variance with one another. But in some cases, the war-time extension of federal control will be continued and much can be accomplished if public opinion is centered on a definite policy and coöperation is achieved between the federal and state authorities.

The federal statutes made necessary by the war, expire at different times. Senator Martin, Democratic leader, has announced that agencies are limited to the following periods after the conclusion of peace:

Control of railroads—twenty-one months.

Control of telegraph and telephone lines—during the war.

Food and fuel control—when state of war is ended and proclaimed.

Espionage act—end of the war.

War Trade Board and export control—end of the war.

War Finance Corporation—six months after the war, with further time for liquidation.

Capital Issues Committee—six months after the war.

Reorganization of Government bureaus under the Overman Law—six months after the war.

Alien property custodian—end of the war, with extension of time for certain duties.

Government operation of ships—five years after the war.

Aircraft Board—six months after the war.

Agricultural stimulation—end of the present emergency.

Housing construction—end of the war, except for shipbuilders.

Labor employment—during the emergency.

Minerals stimulation—as soon as possible after proclamation of peace.



Senator Martin also pointed out that appropriations and increased personnel for aircraft were limited to "the present emergency," and that authority of the President under the emergency shipping fund, created June 5, 1917, ended six months after the proclamation of peace.

The machinery to be used for reconstruction in the United States was for a time in doubt. The following dispatch to the *New York Times* (November 15) described developments that then seemed possible:

Most officials seem to agree that there is no good reason for economic disturbance in this country if a comprehensive program is adopted without delay which will provide for a gradual resumption of industrial and commercial activities of normal times. To accomplish this, some officials who have been in charge of building up the huge war program feel that the functions of some of the war agencies must be continued or put in the hands of a new organization which will have power to enforce its edicts.

The President has been making a study of the situation, and has sought information from the heads of war boards. The general feeling seems to be that he will take no step to create a reconstruction commission, under the Overman Act or other authority invested in him, without asking Congress for legislation.

The opinion most widely expressed here is that certain powers now possessed by the War Industries Board, War Trade Board, and the Food and Fuel Administrations, the tenure of each of which is somewhat uncertain, must be continued six to eighteen months to insure proper readjustment of the economic machinery of the country.

Those who believe that the President will seek to set up a reconstruction commission think Bernard M. Baruch, Chairman of the War Industries Board, whose powers probably would be reduced greatly when a formal declaration of peace is proclaimed, might be placed in charge of the work.

Until a declaration of peace, it is probable that most of the war agencies will continue, although some of the restrictive

measures which they have put into effect may be withdrawn considerably before that time.

The War Council discussed the problem at length yesterday. The need for a concrete policy in regard to the scrapping of the war machine and the rehabilitation of the non-war industries was recognized and the officials are awaiting the formulation of the Administration's plan.

Pending decision as to a general policy the War Industries Board will continue to exercise a most important place in conducting reconstruction work. It has been agreed, for instance, that it shall work hand in hand with the War Department, and that all proposed cancellations of war contracts shall be promptly reported to the War Industries Board, in order that materials, labor, and facilities may be diverted in orderly fashion to the civilian needs. That will leave the War Industries Board, which has a mass of information concerning industrial conditions, in a position to advise as to the wisdom of steps in that direction.

Two bills, creating reconstruction commissions, have been introduced in Congress by Senators Weeks and Overman. The Weeks measure is as follows:

The concurrent resolution (S. Con. Res. 21) was read, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That there is hereby created a committee to be known as the Joint Congressional Committee on Reconstruction, composed of six Senators and six Representatives in Congress. The members of said committee shall be selected as follows: Three Senators by the Democratic senatorial caucus, three Senators by the Republican senatorial conference, three Representatives in Congress by the Democratic House caucus, and three Representatives in Congress by the Republican House conference: *Provided*, That only Senators and Representatives in Congress who have been elected to serve in the Sixty-sixth Congress shall be eligible for membership on said committee. Such membership shall terminate with the service in Congress of the Member, and vacancies shall be filled in the same manner as the original selections were made, respectively.

That said committee shall make an investigation of the following subjects and report to Congress from time to time with

such recommendations as to additional legislation or otherwise as it may deem advisable:

1. Problems affecting labor, including:
  - a. Unemployment which may follow war.
  - b. Utilization of discharged soldiers and sailors in civil employments.
  - c. Conciliation and arbitration of labor disputes.
  - d. The relation of men and women in similar employments.
  - e. Substitution of female employees for male and *vice versa*.
  - f. Feasibility of organizing permanent employment agencies.
  - g. Requirements for labor after the war, both in agricultural and industrial occupations.
  - h. Distribution of labor.
  - i. Employment of surplus labor on public works of which the construction or completion has been suspended due to the war.
2. Problems affecting capital and credit, including:
  - a. All matters relating to trusts and combinations.
  - b. Federal loans to private enterprises.
  - c. Federal supervision of capital issues.
3. Problems affecting public utilities, including:
  - a. The establishment of a railroad policy after the war, and the relation of the Interstate Commerce Commission to the railroads.
  - b. All questions relating to communication by wire.
4. Problems resulting from the demobilization of our industrial and military war resources, including:
  - a. The disposal of surplus Government properties and supplies in this country and abroad.
  - b. The conversion of munition industries into those of peace.
  - c. The demobilization of the war strength of the Army and Navy, and the disposition of the men who have been in the service.
  - d. The demobilization of civil war workers.
5. Problems affecting our foreign trade, including:
  - a. The development of new markets.
  - b. Combinations for the purpose of increasing our selling facilities.
  - c. Changes in our banking facilities necessary to cooperate with such trade.

6. Problems affecting the continuance of existing industries and the establishment of new industries, including:
  - a. The supply and control of raw materials.
  - b. The encouragement of the production in the United States of articles that have not been made in this country heretofore.
  - c. The encouragement of private enterprise in the development of the resources of the public domain.
  - d. The utilization of a tariff on imports as a means to protect and encourage home industries.
7. Problems relating to agriculture, including:
  - a. The advisability of continuing after the war price-fixing of food products.
  - b. Federal loans to farmers.
  - c. Distribution of food products.
  - d. The allotment of lands to returned soldiers and sailors and their establishment in new homes on the public domain.
8. Problems affecting the adequate production and effective distribution of coal, gasoline, and other fuels.
9. Problems relating to shipping, including shipyards, and especially in regard to the sale, continuance of ownership, or leasing of both yards and ships.
10. Housing conditions and the disposition of houses constructed by the Government during the war.
11. War legislation now on the statute books, with reference to its repeal, extension, or amendment.
12. And in general all matters necessarily arising during the change from the activities of war to the pursuits of peace, including those that may be referred to it by the Senate or House of Representatives.

That the committee is authorized to employ such clerical assistance as it may deem necessary, including the services of experts, and may, by subcommittee or otherwise, send for persons or papers, administer oaths, and employ stenographers, at a cost not to exceed \$1 per printed page, to report such hearings as may be had in connection with any subject before it; that the committee may sit during the sessions or recesses of the Senate and House of Representatives; and that expenses contracted hereunder shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House upon



the presentation of vouchers approved by the chairman of said committee, until otherwise provided by law.<sup>4</sup>

Senator Overman's bill would put reconstruction under the control of the President:

The bill (S. 4968) to provide for the creation and establishment of a Federal commission on reconstruction, and for other purposes, was read the first time by its title and the second time at length and referred to the Committee on the Judiciary, as follows:

A bill (S. 4968) to provide for the creation and establishment of a Federal commission on reconstruction, and for other purposes.

*Be it enacted, etc.,* That a commission is hereby created and established, to be known as the Federal commission on reconstruction (hereinafter referred to as the commission), which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The commission shall choose a chairman from its own membership. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the functions of the commission. The commission shall cease to exist two years after the cessation of hostilities of the existing war unless otherwise provided by Congress.

*Section 2.* That each commissioner shall receive a salary at the rate of \$10,000 a year. The commission shall appoint a secretary, who shall receive a salary at the rate of \$5,000 a year, and the commission shall have authority to employ and fix the compensation of such economists, investigators, special experts, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties. Until otherwise provided by law the commission may rent suitable offices for its use.

*Section 3.* That it shall be the duty of the commission to examine into the problems and conditions that are arising out of the war and that may arise out of the transition of the economic,

<sup>4</sup> *Congressional Record*, September 27, 1918, p. 11760.



industrial, and social life of the Nation from a state of war to a state of peace; and with a view of meeting, as far as possible, such problems and conditions before their solution is actually forced upon the Government, the commission shall report to Congress from time to time the results of such investigations with recommendations for new and additional legislation.

*Section 4.* That it shall be the duty of the commission to investigate and report as above described on any and all questions that may be referred to it by the Senate or the House of Representatives or by the President arising out of the conditions of war above described; and more particularly it shall investigate and report on the following problems:

- a. The financing, regulation, control, and development of the merchant marine.
- b. The development, financing, expansion, and direction of foreign trade.
- c. The reorganization, financing, and readjustment of industries engaged in war work by way of reconverting them to normal production.
- d. Technical education and industrial research as a means of developing and strengthening of industry.
- e. The redistribution and employment of labor in agricultural and industrial pursuits and the problems of labor growing out of demobilization.
- f. The supply, distribution, and availability of raw materials and foodstuffs.
- g. The conservation and development of national resources.
- h. Inland transportation by rail and water.
- i. Communication by telephone, telegraph, and wireless.
- j. The reorganization of Government departments, bureaus, commissions, or offices, with a view to putting the Government on an economical and efficient peace basis.
- k. The consolidation of such acts and parts of acts of Congress which relate to the same subject matter but which now appear at various places in the statutes.

*Section 5.* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to carry out the provisions of this resolution.

*Section 6.* That this act shall take effect immediately upon its adoption.<sup>5</sup>

The detailed analyses of these bills indicate the subjects that were deemed worthy of consideration. The Administration opposed both measures, however, and no special reconstruction machinery was set up although Mr. Wilson, in his annual message (December 2) devoted several paragraphs to the problem of economic and industrial readjustment and the war agencies that could give information or advice as to specific problems.

#### 4. THE LITERATURE OF RECONSTRUCTION

A list of books sufficiently complete for all practical purposes is given in an appendix and a number of parliamentary papers are specifically referred to in these notes. Periodical literature, however, will probably be found of chief value. *The Athenaeum* has for two years paid a great deal of attention to reconstruction. It has contained full reviews of all books and has published several series of articles on industry, international trade, education, housing, and finance. *The Economic Journal*, the organ of the British Economic Association, contains many articles on financial questions. Other reviews which have published much material of value are *The Round Table*, *The New Europe*, *The Survey*, *The Labour Gazette*, *The Dial*, and the *Monthly Review* of the U. S. Bureau of Labor Statistics.

A series of preliminary economic studies of the war is being published for the Carnegie Endowment for International Peace:

<sup>5</sup> *Congressional Record*, October 3, 1918, p. 11975.

- No. 1 EARLY ECONOMIC EFFECTS OF THE EUROPEAN WAR UPON CANADA, by Adam Shortt, formerly Commissioner of the Canadian Civil Service, now Chairman, Board of Historical Publications, Canada.
- No. 2 EARLY EFFECTS OF THE EUROPEAN WAR UPON THE FINANCE, COMMERCE AND INDUSTRY OF CHILE, by L. S. Rowe, Professor of Political Science, University of Pennsylvania.
- No. 3 WAR ADMINISTRATION OF THE RAILWAYS IN THE UNITED STATES AND GREAT BRITAIN, by Frank H. Dixon, Professor of Economics, Dartmouth College, and Julius H. Parmelee, Statistician, Bureau of Railway Economics.
- No. 4 ECONOMIC EFFECTS OF THE WAR UPON WOMEN AND CHILDREN IN GREAT BRITAIN, by Irene Osgood Andrews, Assistant Secretary of the American Association for Labor Legislation.
- No. 5 DIRECT COSTS OF THE PRESENT WAR, by Ernest L. Bogart, Professor of Economics, University of Illinois.
- No. 6 EFFECTS OF THE WAR UPON INSURANCE, WITH SPECIAL REFERENCE TO THE SUBSTITUTION OF INSURANCE FOR PENSIONS, by William F. Gephart, Professor of Economics, Washington University, St. Louis.
- No. 7 WAR FINANCE AND TAXATION, ESPECIALLY IN GREAT BRITAIN AND THE UNITED STATES, by Frank L. McVey, President, University of Kentucky.
- No. 8 AGRICULTURAL PRODUCTION AND FOOD CONTROL IN GREAT BRITAIN AND THE UNITED STATES, by Benjamin H. Hibbard, Professor of Agricultural Economics, University of Wisconsin.
- No. 9 EFFECTS OF THE WAR UPON SHIPPING, by J. Russell Smith, Professor of Industry, University of Pennsylvania.
- No. 10 ECONOMIC AND SOCIAL EFFECTS OF GOVERNMENT CONTROL OF THE LIQUOR BUSINESS WITH SPECIAL REFERENCE TO GREAT BRITAIN AND THE UNITED STATES, by Thomas Nixon Carver, Professor of Political Economy, Harvard University.
- No. 11 EFFECTS OF THE WAR UPON LABOR CONDITIONS AND ORGANIZATION, WITH SPECIAL REFERENCE TO GREAT BRITAIN AND THE UNITED STATES, by Matthew B.

Hammond, Professor of Economics, Ohio State University.

- No. 12 WAR ADMINISTRATION OF GREAT BRITAIN AND THE UNITED STATES, SHOWING CHANGES IN GOVERNMENTAL ORGANIZATION CAUSED BY THE WAR, by John A. Fairlie, Professor of Political Science, University of Illinois.
- No. 13 GOVERNMENT WAR CONTROL OF INDUSTRY AND TRADE, WITH SPECIAL REFERENCE TO GREAT BRITAIN AND THE UNITED STATES, by Charles Whiting Baker, New York City.
- No. 14 PRICE CONTROL IN GREAT BRITAIN AND THE UNITED STATES, by David Kinley, Professor of Political Economy, University of Illinois, and Simon Litman, University of Illinois.
- No. 15 TRAINING OF DISABLED SOLDIERS AND SAILORS FOR ECONOMIC USEFULNESS, by Edward T. Devine, Professor of Social Economy, Columbia University.
- No. 16 EFFECTS OF THE WAR UPON NEGRO LABOR AND MIGRATION IN THE UNITED STATES, by Emmett J. Scott, Secretary of Tuskegee Institute.
- No. 17 THRIFT TIME OF WAR, by Thomas Nixon Carver, Professor of Political Economy, Harvard University.
- No. 18 EFFECTS OF THE WAR UPON MONEY, CREDIT AND BANKING IN ALL ASPECTS, ESPECIALLY WITH REFERENCE TO GREAT BRITAIN, FRANCE, AND THE UNITED STATES, by B. M. Anderson, Jr., Assistant Professor of Economics, Harvard University.
- No. 19 THE RELATION OF THE ECONOMIC AND SOCIAL CONDITIONS IN SOUTHEASTERN EUROPE AND IN ALSACE-LORRAINE TO CONDITIONS OF PEACE, two volumes, by Stephen Pierce Duggan, Professor of Education, College of the City of New York.
- No. 20 THE PRESENT SITUATION IN RUSSIA AND ITS ECONOMIC AND SOCIAL BACKGROUND, by A. A. Goldenweiser.

A great many books have been published giving the views of different writers on special problems with which they were well qualified to deal. One of the best of these is probably W. H. Dawson, *After-War Problems*. Thus far the only American publication



is Friedman, *American Problems of Reconstruction*. The papers in this volume are of unequal merit and the field is rather restricted. The best volume bearing the imprint of an American publisher is by an Englishman, Brougham Villiers, *Britain after the Peace*.

The Section of Economic Science and Statistics of the British Association for the Advancement of Science has published three valuable volumes: *Credit, Industry, and the War* (1915); *Labour, Finance and the War* (1916) and *Industry and Finance; War Expedients and Reconstruction* (1917), all edited by Professor A. W. Kirkaldy. The second volume of this series contains elaborate reports on "Industrial Unrest," "The Replacement of Men by Women in Industry," "The Effects of the War on Credit, Currency and Finance," and "Land Settlement." These same subjects are treated with later and fuller detail in the 1917 volume on *Industry and Finance*.

Various programs of reconstruction sponsored by the British Labor Party, the Garton Foundation, etc. are covered by Ordway Tead, "The British Reconstruction Programs," *Political Science Quarterly*, March, 1918. The scope of the preparations for reconstruction in England is described in the quotations from the *Report of the War Cabinet* in the Appendix.

Finally, there is a large literature urging radical schemes of state socialism, syndicalism, and national guilds, e.g., Hobson, *Guild Principles in Peace and War*; Orage, *National Guilds*; Cole, *Self Government in Industry*, etc.



## II. INTERNATIONAL RECONSTRUCTION

### I. A LEAGUE OF NATIONS <sup>1</sup>

The most important of Mr. Wilson's fourteen points, to which he devoted the whole of his address in New York, September 27, 1918, was the following:

XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

A very full bibliography on a League of Nations will be found in Goldsmith, *A League to Enforce Peace*. This book, however, does not attempt to apply the principles which it easily establishes in theory to the vexing problems of mid-European politics. The student, therefore, will find of more service the following books: Brailsford, *A League of Nations*; Woolf, *International Government*; Woolf, *The Framework of a Lasting Peace*; Hobson, *Towards International Government*; and Dickinson, *The Choice Before Us*. During the last two years many valuable articles have appeared in the reviews. Some of these have been reprinted by the World Peace Foundation and the League to Enforce Peace. Others that may be mentioned are: Macdonell, "Armed Pacifism," *Contemporary Review*, March, 1917; Dickinson, "A League of Nations and Its

<sup>1</sup> Except for a few additions and changes these references on a League of Nations appeared in the study outline on *The War Aims of the United States*.

Critics," *Contemporary Review*, June, 1917. More elaborate outlines of proposed Leagues than the program of the American organization are given by Mr. Brailsford and Mr. Woolf.

How far is it true that America does not need a League to Enforce Peace for her own protection?

Should a League of Nations be formed immediately or would it be better to wait until hatred between the belligerents has become less bitter?

How far do you think the various war aims outlined by Mr. Wilson, Mr. Lloyd George, British Labor, etc., should be modified (a) if in the future there are no safeguards against aggression other than those existing when the war began, or (b) if there is mutual protection by a League of Nations?

How far should sea power be an instrument of a League of Nations? (See Norman Angell's *The World's Highway*; Sidebotham, "The Freedom of the Seas" in *Towards a Lasting Settlement* and *Atlantic Monthly*, August, 1916; Brailsford, *A League of Nations*, chapters VII and VIII; Corbett, *The League of Nations and the Freedom of the Seas*; "Cosmos," *The Basis of Durable Peace*; Mahan, *The Interest of America in Sea Power*, and Barclay, *Problems of International Practice and Diplomacy*.)

Would Great Britain or the United States consent to relinquish a measure of national sea power if it were handed over to a League of Nations?

How great is the danger that nations will make secret reinsurance agreements with each other? Is a successful League of Nations dependent upon open diplomacy?

To what extent must a League of Peace demand from its members adherence at all times, on pain of

expulsion, or some other penalty, to certain fundamental principles, such as the principle of nationality and commercial freedom, including questions of tariffs at home and in the colonies, and guarantees for fair opportunities all round over questions of export of capital, access to raw materials, etc.? This question may be discussed in connection with the more general one: To what extent should a League of Peace aim simply at preventing the outbreak of actual wars, and how far might it venture to embark upon an attempt to remove the causes of mutual hostility among its members leading eventually to an open breach between them?

How far should Parliaments as well as Foreign Offices be represented on the International Bodies which are to function for the League of Nations?

"Germany is ready at all times to join a League of Nations and even to place herself at the head of a League which will restrain the disturber of peace." (Chancellor von Bethmann-Hollweg to the Committee of the Reichstag, November 9, 1916.)

What should be the attitude of a League of Nations towards the Central Powers?

What should be the attitude of the Allies towards admitting Germany to a League of Nations?

The following quotations are from Muir, "The Difficulties of a League of Peace," *The New Europe*, February 1, 1917.

I. The first and most obvious condition for the successful organization of a League of Peace is that there must be no single power, or group of powers, dominated by a single will, so strong as to be able to defy the rest of the world, and, therefore, to be tempted by the prospect of world-supremacy.

Is this a valid condition?

Would the British Commonwealth alone, or with the United States in a union of the English-speaking peoples, be strong enough to defy the rest of the world?

Does this condition mean that Germany's *Mittel-Europa* scheme must be completely destroyed?

II. The second preliminary condition of the organization of a League of Peace is that the political distribution of Europe and (as far as possible) of the whole world, must be drawn upon lines which promise permanence, by being based, not on the mere accidents of conquest or dynastic inheritance, but on clear and defensible principles, on reason, and on justice.

Is this condition valid?

Should a League of Nations guarantee the *status quo* (a) except as altered by peaceful agreement? or (b) except as altered by international council? See the books by Woolf cited above and Phillips, *The Confederation of Europe*, which discusses the Holy Alliance and is not hopeful of the success of a League of Nations.

III. Suppose these preliminary conditions to be satisfactorily met, we are faced at the outset by a difficulty which affects the membership of the League. If the nations are to have confidence in it as a means of preserving peace, it must include no States which cannot be trusted to fulfill the responsibilities of membership. Every State must have reasonable ground for certainty that, if it is attacked or if any of the principles of international law are infringed, all the other members of the League will take such active steps as may be required by the League's constitution.

Is this condition valid? (See Norman Angell's *War Aims: The Need for a Parliament of the Allies*, and *The Political Conditions of Allied Success*.)

Would it be safe to include in the League a government like the United States where the treaty-making authority cannot commit the country to war as a means of coercing a recalcitrant state?



Would the danger be greater than in England where the Parliament, although having no formal control over foreign policy, holds the purse strings?

IV. Assuming that some sort of League of Peace is to be established, we are next brought up against the difficulty of devising for it a system of direction. Not long since I listened to a lecture by an eminent lawyer,<sup>2</sup> in which he commended the idea of the League as a sure safeguard against war, and proved, to his own satisfaction, that, if such a League had existed in 1914, the present war would not have broken out; and, indeed, we may very readily agree that if the conditions which would make a League of Peace a practical proposal had existed in 1914 there would have been no war. Having said so much, the lecturer went on to observe: "Of course, the League must have a common executive and a general staff;" and, saying that, he passed on to other topics, as if the establishment of a common executive and a general staff presented no difficulties at all. Now it is plain that the constitution of the League must depend upon the character of its component members. If they trust and understand one another, its system may be simple and unelaborate. But if, as seems to be assumed by many of its advocates, it is to include all the civilized States of the world, it will require a very carefully-worked-out system of administration: a sort of federal council of civilization.

Is this difficulty insurmountable?

How is it worked out in the schemes suggested by Mr. Woolf and Mr. Brailsford?

With what chances of success?

V. If or when the war ends with victory of the Allied Powers, the conditions essential for the existence of a League of Peace, as we have already defined them, will have been largely secured. But not only that; there will exist, in fact, a great League of Peace consisting of ten States, which will have held together as no alliance has ever held together before in history, which will have learnt to trust and understand one another, and which will be united in the resolve to prevent the recurrence of such a

<sup>2</sup> Sir Frederick Pollock, whose lecture was partly published in the *Fortnightly Review*, December, 1916.



catastrophe. If they win their victory, they will be strong enough to secure peace for the future. They will include five of the seven great States of the world—the British Empire, France, Italy, Russia, and Japan—and five of the lesser States of Europe, some of which—notably Rumania and Serbia—will be much more powerful than they have ever been before. This group of States will be profoundly distrustful of their defeated foes, whose treacheries have caused them so much agony; and in order to guard against any future recrudescence of the danger, they will be anxious to maintain their well-tryed and friendly co-operation, and to devise means for preventing any cleavage among them, such as might encourage their defeated enemy to raise his head again and revive his malign ambitions.

What forms will this coöperation take?

## 2. ENGLISH OPINION OF A LEAGUE OF NATIONS

Some months ago a French publicist declared that the future historian would be dumbfounded by the fact that, with the issue of the war hanging in the balance, with Paris threatened and the channel ports in danger, men could be so detached as to discuss a League of Nations. Now, happily, the objection, even were it valid, does not hold. The two great threats that a League of Nations would be illusory—a German victory or a negotiated peace that would not resettle Europe on lines of apparent permanence—have vanished before Foch's armies and internal collapse in the Central Powers. It now seems certain that the Allies will make the peace they desire, and by such a peace, as President Wilson showed in his address of September 27, a League of Nations should be brought into existence to compel adherence to the treaty. As yet, however, American public opinion, although it applauded Mr. Wilson's sentiments, does not seem to be alive either to the opportunity or the difficulty of making it certain that this is a war against war, that

the fruits of victory do not escape us, and that our sacrifices are not made in vain. To be sure, we do lip service to the idea, but in this country there has been practically no real discussion of the proposal, no *debate* as to its feasibility, or even advisability; and Mr. Wilson, great as is his power in directing our foreign relations, can hardly commit the country unless it is fully aroused. Two millions of the electorate, now in France, are not so apathetic. They will return convinced that their children must be spared similar sacrifices, but the issues will be settled while they are waiting demobilization and in the winning of peace there must be no "too late." No great, new ideal—and especially if it be unsanctioned by historical experience and mean a sacrifice of national or personal liberty of action—can be put into practice unless there is previous discussion, unless it is debated, and unless its difficulties and its advantages are fully understood. In England, however, a debate has been vigorously waged and a brief account of recent expressions of English opinion may, therefore, not be without interest to American students.

Of Allied statesmen President Wilson has been the most enthusiastic and the most unrestrained in his advocacy of a League of Nations. He committed himself to the idea in his address to the League to Enforce Peace, May, 1916; while we were still neutral, he pledged the support of the United States to a union of nations to secure the settlement if it were a just one (January 22, 1917); his addresses since our entrance into the war have laid it down as one of America's war aims, and the Liberty Loan address left practically nothing more to be said. He has led Allied thought, but this should not make us forget

that in the earliest days of the war, when the issues were not so clear as they now are, Mr. Asquith, then Premier, taking as his text Gladstone's statement that the greatest triumph of our times would be "the establishment of the idea of public right as the governing idea of European politics," committed himself to a League of Nations in words which should now be remembered and pondered.

"The idea of public right means," he said, "or it ought to mean, perhaps by a slow and gradual process, the substitution for force, for the clash of competing ambitions, for groupings and alliances and a precarious equipoise, the substitution for all these things of a real European partnership, based on the recognition of equal right and established and enforced by a common will."

Then Mr. Asquith was practically alone. Now Mr. Lloyd George is much more definite; Lord Robert Cecil and Mr. Barnes, Mr. Balfour and Viscount Grey, Mr. Arthur Henderson and Lord Curzon, General Smuts and Winston Churchill—men far apart on domestic and imperial political principles all espouse it. The British Labor Party made it last winter the basis of its memorable memorandum on war aims (*International Conciliation*, No. 123) and while, at the Labor Conference in London last summer it was not put in the foreground of discussion, the conclusive fact remains that every political party in England has incorporated the League of Nations idea into its program. The House of Lords has had two debates on the subject, the House of Commons one—all well-informed and sympathetic. Representatives of the Government assured questioners the latter part of October that Great Britain was wholly in sympathy

with the principles of Mr. Wilson's proposals. In fact, Sir John Macdonell, writing in the September *Contemporary Review*,<sup>3</sup> wonders whether the League of Nations is not "in danger of being smothered by praise, universal and rarely discriminating"; whether when a definite scheme "is formulated and the difficulties confronting it are presented," there will not be "coolness, or a mood of incredulity, or a warning against excess of zeal."

Yet English journals and reviews have to a large extent recognized and discussed the difficulties. Opposition there is, but most of it comes from the hard-shelled Tories, from old gentlemen who sit in gloomy clubs and talk for the sake of talking, from writers, who, as Mr. Barnes has said, are forced to rinse the historical dust-bins for arguments. Thus the editor of *Blackwood's* writes in his August "Musings without Method":

"After the Treaty of Vienna, Metternich and his friends framed the Holy Alliance, the object of which was to make the world safe for autocracy. . . . Today the enemy of mankind is an autocrat, and therefore the world must be made safe for democracy by a League of Nations. We do but change the name and keep the tyranny. If it be imposed by the interference of others, democracy is no less objectionable than autocracy. Those who would club what they choose to call 'freedom' into a reluctant people are the mere connivers of despotism." And apropos of Lord Grey's pamphlet (*International Conciliation*, No. 131, October) which did not blink the fact that a League would limit national action, *Blackwood's*

<sup>3</sup> Where the dates are not given, references are to 1918 numbers of the magazines.



adds: "Were the League not doomed already, this essential condition would condemn it to utter failure," for "all Governments and Peoples, conscious of their national strength and unwilling to limit their national action." Lord Sydenham of Combe (*Nineteenth Century*, August) thinks the present alliance against the forces of evil is "the greatest League of Nations." "We shall not win the war," he says, "by planning Leagues of Peace to meet circumstances which we cannot yet foresee. Like the paper constitutions of Siéyès they may prove impracticable; but the Holy Alliance against the forces of evil remains, and when it is crowned with victory it can be turned into a powerful agency for maintaining the peace of the world." In the *Fortnightly* for July, Professor J. B. Firth uses the historical argument. "What was Utopian before the War," he says, "will still remain Utopian at its conclusion," overlooking altogether the fact that the world will be different. Mr. J. G. Swift MacNeill answers him by showing that international independence is at the present time a question of degree; and that further limitations on freedom of action must and will be endured in the interest of civilization; and quoting Mr. Grattan, he tells Professor Firth that "You cannot argue with a prophet—you can only disbelieve him."

Sir Roland K. Wilson and Professor Marriott approve whole-heartedly in the July *Hibbert Journal*; Sir John Macdonell has no reservations (*Contemporary*, March) and he realizes the difficulties involved: "reconstruction must proceed from within: new ideals stretching beyond frontiers; the realizing of new duties; a wider outlook; less idolatry of the State; more regard to society as something larger than the



State, an effort to regain lost ground—if not to establish a new Christendom, to attempt to rise nearer to the height of the ancient conception of States as so many mansions of one city.” The London *Times* commenting on Lord Grey’s recent address at a joint meeting of the League of Nations Society and the League of Free Nations Association (which have been combined under the presidency of the former Secretary of State for Foreign Affairs) associated itself “very heartily with his conclusion that the main hope for the peaceful development of mankind lies in the enhanced sense of international security, security which a well-organized League of Nations alone can give.”

Of the English weeklies, the *Spectator* with its smug middle-class conservatism thinks that a League of Nations would mean “international slavery” and that its restraints upon England’s manifest destiny would be intolerable; the London *Nation* and *New Statesman* are enthusiastically in favor of it, and hardly an issue appears without some discussion of the League and the specific problems with which it will have to deal. *The New Europe*, a young weekly magazine which has become a high authority on international affairs, has also discussed the proposal at considerable length. Its articles have been particularly notable in showing that the present extent of Allied coöperation—with the armies under a unified command, with economic resources to a very large measure pooled, and with the time approaching when political unity will be necessary and will be achieved by mutual compromise—means that but a step is necessary if a League of Nations is inaugurated to exert economic and political control in time of peace. A series of excellent articles in the September issue of *The Round Table* stresses the

fact that Allied public opinion, inadequately recognizes just how far this economic control has gone—shipping, raw materials, munitions, food supplies, and finance are all under the control of interallied bodies. This control will have to be continued for a considerable time after the conclusion of peace; and both *The New Europe* and *The Round Table* think that the Allies will one day awake to the fact that the embryo of a League of Nations has come into being and that a definitive step will mean but an expansion of powers rather than the acceptance of a new principle.

In England during the past two years there have been published many pamphlets and books which discuss exhaustively all phases of the problem and a number of groups of thinkers on international questions have long been studying the appropriate structure of the organization which they are agreed must be called into being. Viscount Bryce was president of the Council for the Study of International Relations which issued a number of pamphlets and study outlines; the Fabian Society debated a League of Nations for some months and the results of its study were published by Mr. Woolf in his book on *International Government*, particular attention being paid to the present inter-state coöperation. A suggested constitution for the League, agreed upon by the Fabians, appears in this book and is considered in connection with a number of others in Mr. Woolf's later brochure on *The Framework of a Lasting Peace*. Viscount Bryce and other writers have published some studies on *Proposals for the Prevention of Future Wars*. The League of Nations Society and the League of Free Nations Association, as has been said, have now combined forces. They issue a small monthly magazine

and many pamphlets containing speeches by members of Parliament and other public men. Viscount Grey's article, *The League of Nations*, first issued last May, has run through several editions and has been exhaustively discussed. *War and Peace*, a sort of monthly edition of the London *Nation*, is devoted almost exclusively to the propagation of the idea of a League of States and has given attention to phases of the problem as widely apart as Catholic doctrine and a League of Nations, and the control of backward States.

Many books have been published in England; that the interest is somewhat greater than in the United States is shown by the fact that of ten books on international relations advertised by a publisher in a recent number of the New York *Nation*, seven of them were by English writers. Mr. Hobson, three years ago, published his book, *Towards International Government*, in which a scheme for preserving the peace of the world is worked out in minute detail. Mr. Brailsford's *A League of Nations* is a classic on the subject and while it may be marked by too great a tolerance for Germany's aggressive aims, nevertheless gives what is by all odds the best discussion of the many problems that a League will have to face and solve. From the standpoint of political theory, Mr. Delisle Burns has written three books, *The Morality of Nations*, *Political Ideals*, and *The World of States*, and shows that traditional conceptions of sovereignty need not stand in the way of the realization of President Wilson's dreams. And finally there are *The Choice Before Us* by Lowes Dickinson and *In the Fourth Year of the War* by Mr. Wells, not to speak of a score of volumes by

less known writers, and several translations from the French and German.

In the United States, on the other hand, there has been practically no discussion of a League of Nations on a scale approaching that described. *The Nation* and the *New Republic* have, to be sure, been stalwart supporters of Mr. Wilson's program since its first announcement. The League to Enforce Peace has been in existence since the early months of the war, but it has devoted most of its attention to securing the acceptance of a brief platform and to arousing the people to the necessity of a German defeat. Our monthly magazines, while publishing an occasional article (contributions by Sir Oliver Lodge and Albert Thomas appear in the November, 1918, *North American Review* and *Atlantic Monthly*) have made little attempt to discuss the many problems that will have to be solved, and there has been nothing similar to the debate which the English publicists have waged in the English reviews. There have been a few books, like Goldsmith's *A League to Enforce Peace*, but, as has been said, they have made absolutely no attempt to consider the difficult problems of European politics that will have to be faced when a League is called into existence. Discussions in the American Senate have been most perfunctory and unilluminating.

"Should Germany be included in the proposed League," for example, "and if so, when?" "What should be the function of the League with regard to colonial possessions, backward states, Constantinople, and neutralized states?" "What should be the sanctions? Should they be military or economic or both?" "What use should be made of sea power? Would it be expedient for England to consent to restrictions



on her national use of sea power if it were certain that the League of Nations would employ such an instrument against an aggressive state?" "Should the United States prepare to submit the Monroe Doctrine to the League and abandon its adherence to Washington's advice that entangling alliances be avoided?" These are only a few of the questions that must be considered in connection with a League of Nations; they are questions, as Mr. Lloyd George has said, that will determine the course of human life for centuries to come and as yet they have been in large measure ignored in the United States.

These references to English discussions of a League of Nations have not been given with the idea that such brief extracts have any great informative value; the arguments of the speakers in Parliament, of the pamphleteers, and of the writers in journals and reviews must be read unabridged and studied. My purpose has been to show that England far outstrips us in the interest and thought devoted to the problem and that America must awake. And particularly is this incumbent upon us because President Wilson's distinctive contribution to the diplomacy of the war has been his insistence upon a League of Nations. It will mean a revolution of American foreign policy and the acceptance of tremendous responsibilities, but who will say that it is not worth while? Without it, reconstruction will fail; and it cannot be achieved unless American public opinion is fully informed.

Recent articles of interest in addition to those referred to above are the following: Hobson, "Is International Government Possible?" *Hibbert Journal*, January, 1917; Butler, "The United States of Europe,"



in *A World in Ferment*, chapter III; also "A Program of Constructive Progress," published by the Division of Intercourse and Education of the Carnegie Endowment for International Peace; Chapman, "Enforcing Peace," *Hibbert Journal*, January, 1917; "The Versailles Mustard Seed," *The New Europe*, February 28, 1918; Pollard, "The Use and Abuse of Diplomacy," *Contemporary Review*, April, 1918; Moore, "The International Situation," *The Nation*, October 5, 1918, and other articles in the International Relations Section of *The Nation*; Brailsford, "A League of Nations," *English Review*, August, 1918; Shadwell, "A Swiss Jurist<sup>4</sup> on the League of Nations," *Nineteenth Century*, September, 1918; Archer, "Obstacles to a League of Nations," *Fortnightly Review*, October, 1918; Seignobos, "The League of Nations: The Obstacle of National Sovereignty," *The New Europe*, April 4, 1918.

Two recent notable books are A. E. Zimmern, *Nationality and Government* and Guyot, *Les Garanties de la Paix*. A number of brochures have been published in France. Of interest also is Minor, *A Republic of Nations*.

<sup>4</sup> Nippold: *Die Gestaltung des Völkerrechts nach dem Weltkrieg*. A book which, judging from the review, is a remarkable one, and should be translated into English.

### III. INTERNATIONAL ECONOMIC RELATIONS AFTER THE WAR

#### I. THE REMOVAL OF ECONOMIC BARRIERS

In his famous speech enumerating the fourteen war aims of the United States, Mr. Wilson declared for "the removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance." He explained later that this did not mean free trade, but simply no discriminatory tariffs. In previous utterances, he had said:

Responsible statesmen must now everywhere see, if they never saw before, that no peace can rest securely upon political or economic restrictions meant to benefit some nations and cripple or embarrass others, upon vindictive action of any sort or any kind of revenge or deliberate injury. (Reply to the Pope, August 27, 1917.)

It might be impossible also in such untoward circumstances (if the German people were compelled to continue to live under "ambitious and intriguing masters") to admit Germany to the free economic intercourse which must inevitably spring out of the other partnerships of a real peace. But there would be no aggression in that; and such a situation, inevitable because of distrust, would in the very nature of things sooner or later cure itself by processes which would assuredly set in. (Address to Congress, December 4, 1917.)

How far are these expressions of opinion incompatible with the Resolutions of the Paris Economic Conference?

For the texts of the Resolutions see Hobson, *The New Protectionism*, Appendix; *Congressional Record*, July 10, 1916, p. 12284; and *Current History*, August, 1916, p. 928. See also Clark, "Shall there be War after the War? The Economic Conference at Paris," *American Journal of International Law*, October, 1917.

Should the protectionist movement after the war have purely an economic and not a political motive?

What attitude should be taken by governments toward the export of capital to "backward countries?"

See Brailsford, *The War of Steel and Gold* and *A League of Nations*, chapter IX ("The Economics of Peace"); Lippmann, *The Stakes of Diplomacy*; and Hobson, *The New Protectionism, Towards International Government*, and "The Open Door," in *Towards a Lasting Settlement*.

What are some of the difficulties of using a boycott as a substitute for war?

What would be your own feeling if an international boycott were applied to the United States, in a case in which you believed the United States to be in the right?

What measure could be taken to prevent a boycotted country from taking up arms and precipitating the appeal to arms which the boycott is proposed to prevent?

Do you share the view of the importance of selfish economic motives in politics that underlies such suggestions as the boycott as a means of preventing war?

Are your own political actions motivated exclusively or chiefly, by considerations of private economic interest?

What are the possibilities of an international commission charged with the supervision of international economic questions arising out of the war?

## 2. WORLD TRADE CONDITIONS AFTER THE WAR <sup>1</sup>

Without waiting to determine what the outcome of the present war shall be, the great commercial and industrial nations of Europe—chief among the belligerents—are already taking measures of preparation for the economic competition which every circumstance indicates as certain to follow the termination of the armed conflict. The restoration of peace is bound to be followed by a renewed struggle for the markets of the world; a struggle which, to judge from the way the nations are preparing, will surpass the commercial competition of the epoch that ended in 1914, as the present war surpasses that of 1870-1871.

### *1. Similarity in Methods of Preparation*

England is preparing. France is preparing. Germany is preparing. And just as in the military struggle, each side learns constantly from the other, and their methods become in various respects more and more alike.

The English translator of Henri Hauser says, in his own preface: "They (the British manufacturers) are the people who have the most to benefit from Germany's example. They must learn to acquire the German spirit of association; they must realize that a closer union of manufacturers in each and every industry is the essential factor of successful enterprise; they must learn to 'manufacture imperially' with all their energies bent on the future of the empire, leading thus, through the greatness of the empire's place in the sun, to their own success. On that day when masters and men work 'imperially' and not indi-

<sup>1</sup> From *World Trade Conditions After the War* (N. Y., National Foreign Trade Council).

vidually, in that very hour Great Britain will have an industry and commerce that will have nothing to fear from the menace of Germany."

At the same time that this doctrine is thus commended to the British by a Briton, German merchants, chambers of commerce and Reichstag committees are heard protesting against excessive government interference in private business affairs; petitioning for what they are learning to speak of as "freedom of trade," and declaring that, after all, "free initiative" is the life of commerce.

Resolutions such as that passed by the Duesseldorfer Chamber of Commerce last fall, "viewing with great alarm" the tendency toward forcible syndication, prohibition of the founding of new industries, and plans for state monopolies; demonstrations on "behalf of freedom of commerce," such as that held in Berlin on October 8th last, presided over by the head of the powerful Hansa-Bund, which passed resolutions deploing "any state interference" beyond what is absolutely essential—these voices sound like echoes from across the North Sea—from England.

In France the imitation of future trade rivals is more conscious and direct. Publication after publication has come out of the French press since the beginning of the war, telling of German commercial success during the past generation, and advising the French to emulate the methods which brought it about.

"The nameless barbarism of German militarism," declares the prominent Frenchman who writes under the pen name of "Lysis," "should not make us forget that Germany represents a stage superior to our own in economic organization, and that she has so far surpassed us on the road of industrialization that we



shall be obliged, whether we will or no, to become inspired by her methods."

The example of England, moreover, in developing commerce with her colonies and dependencies, is making Frenchmen wake up, with a certain "shamefacedness," to the fact that in the past they have neglected the possibilities of their commerce. And it is significant that one of the chief centers of the very remarkable industrial and commercial revival now going on in France, the city of Lyons, is inhabited by people whose qualities have won for them, among their less business-like and enterprising neighbors, the nickname of "the Anglo-Saxons of France."

## 2. *Differences in Methods of Preparations*

The English are obviously preparing themselves to submit, after the war, to a great deal of government interference of industrial and commercial regimentation which they would not have tolerated in the epoch that ended with the beginning of hostilities, because their individualism has become national through the war, and they are now willing, if necessary, to coöperate with their former British competitors for the purpose of defeating a common competitor in foreign lands.

"Gone, and gone for good are all the old individualistic ideas of the right of property," writes a member of Parliament in one of the most important discussions of England's future after the war which have yet appeared. Yet in the same volume we find the late Benjamin C. Browne, a rich and successful pioneer of industry on the northeast coast of England, declaring, "I must say I like, as far as possible, to let every individual, whether a man or company, develop his

own trade in the best way he can and leave other people to do the same." <sup>2</sup>

Germany's preparatory effort for the coming struggle takes preponderately the form of greater consolidation, amalgamation, centralization. It is the same process that showed itself so markedly before the war in the development of the cartel, in government ownership, or in bureaucratic control of industry and commerce and labor, to which the name State Socialism has been given; in the closest coöperation of high finance and big industry. But it is to be very much more intense and complete, judging simply from a review of the particular things being done at the present time to unify Germany commercially. For the unification is taking place more rapidly at the center than at the circumference; that is to say, the actual interweaving of relationships between merchants, between corporations, between whole industries, remarkable as this has been during the past three or four years, is not as important as the fact that every industry, every group of industries that finance, that labor, that science, have each during the war been taught to regard themselves as simply a part of one whole—the nation.

This has been brought about, not merely by the war, but by the very definite conviction in the minds of the leaders of Germany of the dangers of the approaching peace. In order that their country may pass without disaster through the test of the first few years after the war, they are convinced, it appears that German industry, commerce, finance, must be one disciplined whole, in very much the military sense, so that, if necessary, a whole industrial army corps can

<sup>2</sup> Dawson, *After-War Problems*.

be sacrificed in order to carry out the general plan of campaign. There is a great deal of discussion as to what this plan ought to be. What it actually will be, must be judged from such signs as have appeared in the public press. Those in authority are reticent, as, for instance, Count Roedern, in his vote of credit speech of last December, in which he hinted at a vast program of financial reform to be introduced after the war. He let it be known that the German Treasury had been working for a year. But he gave practically no clue as to what form it will take.

France, also, remains true to type. For her the coming struggle, like the present one, shapes itself preëminently as an effort to throw the invader back beyond the confines of the frontiers of the nation. During the war, France has become conscious, as never before, of the extent to which she has been the "victim of peaceful penetration," of industrial infeudation, at the hands of Germany. Leading captains of industry and statesmen have not minced words in the effort to awaken their countrymen to the dangers of a repetition of this commercial invasion after the coming of peace, and have succeeded in creating throughout France the determination that when the Germans again try to make a breach in the economic fortifications of France, "they shall not pass." To this end every effort is being made to make France industrially self-sufficient, from the utilization of water-power, by which she could be freed from dependence upon German coal, to the attempt to purchase great quantities of machine tools from the United States even before the end of the war.

Not that France does not expect more than this. Every effort is being made to prepare agencies for an

export trade which shall compete with that of other great countries. Indeed, it has been said that France has undergone a more complete industrial and commercial awakening as a result of this war than any other nation, and that her foreign trade will compete with that of Germany, England and the United States in a way to startle those who believe that she has been "bled white" by the war.

The foregoing paragraphs are taken from a pamphlet entitled *World Trade Conditions after the War: An Analysis of the Preparations England, France, and Germany are now Making to Extend their Foreign Trade*, published in April, 1918, by the National Foreign Trade Council, India House, Hanover Square, New York City. (The same organization issued in September, 1916, a similar interesting compilation entitled *European Economic Alliances*.) The pamphlet just quoted goes on to outline in considerable detail the measures taken by England. These include the reorganization of the Board of Trade, investigations and various committees of the Ministry of Reconstruction, government control of imports and over exports after the war, special protection for key industries, coöperation between industries, between industries and banking, and between industries and labor. The full description will be found in *World Trade Conditions after the War*. Some of the measures are briefly described in the quotations (Appendix) from the Report of the War Cabinet and in the introductory chapters of Friedman's *American Problems of Reconstruction*. They are also covered by a number of parliamentary papers and articles in the reviews. Of particular interest are the reports of Departmental Committees appointed by the Board of Trade: Textile Trades (Cd. 9070); Iron



and Steel Trades (Cd. 9071); Engineering Trades (Cd. 9073); Electrical Trades (Cd. 9072); Shipping and Shipbuilding Industries (Cd. 9092); Coal Trade (Cd. 9093).

It is interesting to check these proposals with Mr. Wilson's pledge of no economic barriers discussed in the preceding section.

### 3. THE BALFOUR OF BURLEIGH REPORT

The final report of Lord Balfour of Burleigh's Committee on Commercial and Industrial Policy after the war (Cd. 9035) is a document of unusual interest which merits wide publicity and study in the United States. Its importance arises not so much perhaps from the specific recommendations that are made as from the fact that it is an evidence of the intense interest and concern with which Englishmen are looking forward to post-bellum commercial arrangements—to safeguard the interests of Great Britain, to knit the British Commonwealth together by the use of economic cords, and to have at hand a powerful weapon which can be used in self-defense against the Central Powers if their recovery is immediate and menacing or as a punishment if the peace is not satisfactory. The Balfour Report is simply one of a number of documents that have been presented to Parliament and at the same time the British Government has undertaken certain measures which show that they are not unmindful of the importance of the economic factors: the tax on palm kernels from West Africa to foreign countries, the increase of cotton duties by India, the export tax on cocoa from the Gold Coast, the fixing of minimum prices on wheat and oats to be effective until 1922, the non-ferrous metals act, and a scheme of Imperial



Preference. In the United States, we have paid little attention to the English manifestations of opinion and legislative policy and it may be worth while therefore to give the chief conclusions of the Balfour Committee recommendations. The report has been bitterly criticised by English journals. The following summary—which contains an adequate account of the report—is taken from an unsympathetic article entitled, “A Stupid Proposal,” *New Statesman*, May 4, 1918.

Nearly two years ago the Coalition Government appointed a Committee, under Lord Balfour of Burleigh, to consider the future commercial and industrial policy of the nation, with special reference to the Paris Economic Resolutions. It was, from the start, almost exclusively a capitalist body, representative in the main of the great manufacturing and commercial interests; and by the successive retirements of one-third of its members, and their replacement by others under the present Administration, this characteristic became even more strongly marked. Now that the Report is published, after prolonged delay, it can be seen how sinister is the scheme of policy to which nearly all the members desire to commit the nation. The Paris Economic Resolutions, by which the Committee seek to buttress their proposals, have long since lost what little vitality they ever possessed. They were never accepted by the Government of the United States. As they are definitely in conflict with the principles on which President Wilson took his country into war, it is plain that they cannot now be the policy of the Allies; and nothing is more certain than that they will form no part of the deliberations of the eventual Peace Conference. Thus the present Committee's Report, in so far as it is articulated with the Paris Economic Resolutions, was killed almost as soon as it was drafted by the entry of the United States into the war. The Committee apparently went on with its work unaffected by the crash of worlds, and it does not seriously deal with the momentous shifting involved in the promotion of nearly all the American Continent from neutral to ally. These proposals are therefore, so far as overt or formal adoption is concerned, born dead. On the other hand, the most strenuous attempts are being and will be made to carry their essence silently and surreptitiously

into effect; and it is accordingly important to turn the light upon them.

The Report may be fairly described as, in its reasoning, essentially a "Protectionist" document, shrinking, so far as a majority of the members are concerned, from a candidly Protectionist conclusion. (The Minority put this conclusion crudely into words, finding nothing more practicable and inspiring than a "general tariff of ten per cent." on manufactured or "mainly" manufactured goods imported from "our enemies.") The whole Committee, with a few individual dissents, supports (a) the prohibition of importation of goods of enemy origin for at least twelve months after Peace, and for as much longer as the Government chooses; (b) monopolization of Allied products for the Allies; (c) a permanent Government policy of making the British Empire self-supporting; (d) the exclusion of foreign capital from our country, but the removal of all restriction on the use of our capital abroad; (e) a Government subsidy or tariff protection for "essential industries"; (f) "every encouragement . . . by the Government to the formation of combinations of manufacturers and others," coupled with the most determined resistance to any Government control over such combinations for the protection either of the wage-earners or of the consumers; (g) stringent tariff protection against dumping; and (h) placing all such tariff policy outside Ministerial and therefore Parliamentary control. Nothing is more remarkable than the bare-faced crudity of these proposals, which are almost avowedly designed to increase the profits of the capitalist employers at the expense of raising prices to the whole body of consumers.

The Balfour of Burleigh Report immediately attracted attention in Germany. Dr. W. Goetze, a well-known economist, published in the *Vossische Zeitung* of August 5 an article on "The War of Raw Materials," which shows clearly the uneasiness felt by Germany:

"England," he says, "was acting entirely in accordance with her plan of annihilation when during the war she everywhere drove out the German merchant, destroyed his trade centers, sold his stocks, severed his connections, destroyed his books, undermined his reputation by slanderous propaganda. The whole 'atrocities

campaign', with which England filled the world, was, in the first instance, an economic design to discredit the German merchant for the future. By means of the proposals of the Balfour Committee, no less systematic attempts are being made to render impossible in the immediate future the reconstruction of German industry and also of the German export trade, which is its foundation. This is to be done by keeping back from Germany certain special raw materials which are absolutely necessary for this reconstruction. For a long time past, it has been realized in England that it is quite impossible to cut off Germany completely from the world market. The English are, therefore, contenting themselves in the cutting off all that is within reach, hoping in this way to make a thrust at the vitality of German industry and thus to paralyze it." Textiles, copra and palm kernels, rubber, and non-ferrous metals are instanced as raw materials England proposes to keep from Germany. (Translation from *The New Europe*, August 22, 1918.)

The following resolutions were passed by Lord Balfour's Committee, February 2, 1917 (Cd. 8482):

In the light of experience gained during the war, we consider that special steps must be taken to stimulate the production of food-stuffs, raw materials, and manufactured articles within the Empire wherever the expansion of production is possible and economically desirable for the safety and welfare of the Empire as a whole.

We therefore recommend that H. M. Government should now declare their adherence to the principle that preference should be accorded to the products and manufactures of the British Overseas Dominion in respect of any Customs Duties now or hereafter to be imposed on imports into the United Kingdom.

Further, it will in our opinion be necessary to take into early consideration, as one of the methods of achieving the above objects, the desirability of establishing a wider range of Customs Duties which would be remitted or reduced on the products and manufactures of the Empire, and which would form the basis of commercial treaties with Allied and Neutral powers.

Many references to publications on commercial policy will be found in *World Trade Conditions after*

*the War*, and Dawson, *After-War Problems*. The following articles will also be found of interest: Reid, "The Balfour of Burleigh Report," *Contemporary Review*, July, 1918; "Preparing for the Next War: Economic Preparations," *War and Peace*, July and August, 1918; "Trade after the War," *North American Review*, September, 1918; "Wrecking the League," *London Nation*, June 22, 1918; "A Stupid Proposal," *New Statesman*, May 4, 1918; Gide, "The Commercial Policy of France after the War," *Economic Journal*, 1916, p. 44.

#### 4. THE CONTROL OF RAW MATERIALS

Economic policies will play a most decisive part in reconstruction after the war. International commercial rivalries and discriminations may threaten the existence of a League of Nations or sow the seeds of a future world conflict. But of perhaps greater importance is the fact that the shortage of food, raw materials, machinery, and shipping will be acute; there will simply not be enough to go around, and when peace is restored rigorous state control will be necessary for a very considerable period. Non-interference by governments will be impossible, and it is entirely likely that an international commission—certainly well-defined agreements—will be required to allocate the needed supplies and determine the processes of reconstruction. Self-preservation will require the Entente Allies to prevent *laissez-faire* in their commerce for some time. Independently of these considerations, various schemes to enforce the peace urge that economic pressure be used to compel the submission of disputes to an international tribunal or to require compliance with its decrees, and in the inter-



national arrangements that are necessary to allot foodstuffs, raw materials, and shipping will be found the germ of a real league of nations.

Germany has much more to fear from this period of transition than have the Allies, whose economic arrangements will probably be successful in preventing suffering and internal disturbances. Admiral von Tirpitz, arguing, to be sure, for an indemnity, declared (London *Weekly Times*, December 7, 1917) that at the conclusion of peace Germany's war industry would be small; that the soldiers would return to find insufficient work, enormously increased prices, intolerable taxation, and a depreciated currency. Most of the necessary raw materials and food supplies would have to be brought into Germany from countries outside her middle-European bloc. "Can any one in his heart of hearts," he asked, "really believe that under these circumstances, without an increase of power, without an indemnity, without security, we could avoid Germany's ruin?"

The Reichstag resolutions of 1917—the most liberal expression of peace sentiment that came from the German Government before her final overtures—put economic considerations in the forefront of the discussion by declaring against any schemes that aimed at the creation of "economic isolation after the war"; only economic peace could prepare the ground "for the friendly intercourse of peoples." Unsatisfactory as this was, it represented a desire to bargain territory in the West, even to grant concessions in *Mittel-Europa*, for overseas trade and raw materials. Germany had viewed the Paris resolutions with anger, but not with genuine alarm. Then (1916) the economic question was one of markets rather than raw



materials, and it could be faced with some equanimity on the basis of a monopoly of the trade with eastern Europe and the European neutrals. But after the entrance of the United States, China, Brazil, and other states hitherto neutral, controlling, with the nations previously arrayed against Germany, all the trading routes and all raw materials of any importance, the situation was materially changed. Hence the extreme concern displayed by Germany as to economic arrangements after the war and the admission, even by her arch-militarists, that the economic situation controlled the military situation.

No matter what supplies are obtainable through the exploitation of conquered territories, tea, coffee, cocoa, and fats cannot be secured so long as the Allied blockade lasts. But of greater importance than this is the fact that *Mittel-Europa* cannot furnish sufficient quantities of such raw materials as cotton, wool, silk, rubber, leather, and vegetable oils, and minerals such as tin, nickel, and copper. And so long as the Entente Powers allocate the available supplies among themselves—even the maintenance of the naval blockade is not essential—the situation cannot be improved. The Allies, so to speak, have a grip upon Germany's windpipe that strangles her, and so long as they maintain it, she will be unable to recover her strength. Her *Mittel-Europa* empire could furnish markets, but it cannot furnish essential supplies; nor was the situation changed by the peace with Russia. This—not to mention Germany's precarious finances and the vital question of credit—accounts for the fact that economic considerations were given much greater prominence in the peace offers of 1917 than in those of 1916. Credit, markets, food, raw materials, shipping, and

good will are the determining factors—they are all in the hands of the Allies who can make them effective instruments for international reconstruction.

Mr. Bonar Law gave more than a hint yesterday of the important work which is being done by the Imperial Conference. He said that the Conference had considered "the question of the best methods of securing command of essential raw materials produced within the Empire, with a view to safeguarding the industries of the Empire and the Allies during the reconstruction period;" that it had "arrived at important decisions thereon;" and that he hoped "that these decisions will in due course form the basis of discussions with our Allies and will lead to . . . coöperation." It is a little difficult to be very sanguine that anything really practical will be done, because last year the Imperial Conference passed a strong resolution on this very subject, though it seems to have been singularly barren of any concerted action between the Allies so far. Last year's resolution itself was firm and comprehensive enough. It referred to "the experience obtained in the present war" as confirming the "opinion that the safety of the Empire and the necessary development of its component parts require prompt and attentive consideration, as well as concerted action," on certain matters. Among these "the control of natural resources available within the Empire, especially those that are of an essential character for necessary national purposes, whether in peace or in war," was specifically mentioned; and the conference commended to the "consideration of the governments summoned thereto the enactment of such legislation as may assist this purpose."

A year has passed, and little or nothing seems to have been done; but at least it should be clear enough by now that the control of raw materials is one of the Allied weapons which the Germans fear almost more than any other. We have reproduced repeatedly extracts from the German Press showing this. There was, for instance, that series of articles which appeared in the *Vossische Zeitung* last spring, and particularly an article by a retired German Consul, Herr Eduard Dettmann, who insisted that the danger of a raw material boycott was extremely serious; reviewed the whole field of German trade; pronounced Germany to be dependent upon her enemies for cotton, wool, copper, jute, rubber, tin, palm oils, tobacco, cocoa, and manganese ores, and

upon the Argentine for hides; and concluded that "we need the open door, otherwise our industry would perish." There was also, in the same series of articles, that in which Herr Emil Zimmermann, the well-known colonial enthusiast, admitted the justice of Herr Dettmann's conclusions and declared that the remedy for Germany was a vast Colonial Empire. "I can very well conceive," he wrote, "a German Colonial Empire in Central Africa and in the South Seas which would supply immediately 400,000 tons of oil fruits and more than 1,000,000 tons at an early date; it would make us entirely independent in the important question of our supply of raw materials of oil." Herr Dettmann told his readers that "it is absolutely necessary to push the raw materials question into the peace negotiations;" and that the Allies must be played off against each other—America, for instance, being told that she cannot have potash except against a guarantee of a sufficient supply to Germany of cotton and copper, Brazil being convinced that there will be no German market for her coffee except in return for rubber, and so on. The one safeguard against all this is complete agreement between the Allies and other countries which have broken off relations with Germany as to the control of raw materials. (*London Times*, July 3, 1918.)

The situation requires "international distribution (of raw materials and cargo space), which must be in the hands of the states, and internationally guaranteed by an international convention enforcing obligations on the states, and not leaving a free hand to private persons; *i. e.*, a League of Nations for the universal world provision of a humanity suffering from impoverishment of raw materials. A thing of this kind cannot be obtained in the event of a pure might peace. It requires a peace by understanding for which we are now and always, ready, but which can only be concluded when our opponents have arrived at a similar condition of reason." (Dernberg, *Neue Freie Presse* [May 19], *The New Europe*, 27 June, 1918.)

Formerly we did not fully appreciate the tropics as in the economy of civilization. It is only quite recently that people have come to realize that without an abundance of the raw materials which the tropics alone can supply, the highly developed industries of today would be impossible. Vegetable and mineral oils, cotton, sisal, rubber, jute, and similar products in vast

quantities are essential requirements of the industrial world. (General Smuts.)

How far can the economic weapon—the allocation of raw materials and shipping—be used to compel the acceptance of the Allies' terms of peace and compliance with them?

Can economic concessions be exchanged for measures of disarmament?

Can control of raw materials be linked up with control of backward peoples and colonial possessions and handed over in any measure to a League of Nations?

"The New Economic Prospect," *The New Europe*, August 8, 1918; "Atticus," "The Economic Weapon and Imperial Unity," *The New Europe*, March 7, 1918; Zimmern, *The Economic Weapon in the War Against Germany*; "Our Answer to Germany's Eastern Triumph," *The New Europe*, May 30, 1918; *Economic Reconstruction; Analysis of Main Tendencies in the Principal Belligerent Countries of Europe, with Statistics of Production, Consumption and Trade in Important Foodstuffs and Industrial Raw Materials*, Department of Commerce, Bureau of Foreign and Domestic Commerce, 1918, Miscellaneous Series, No. 73.

## 5. SHIPPING

According to Lloyds' and the Liverpool Steamship Owners' Association, the world's tonnage in August, 1918, was approximately 8,000,000 tons less than in July, 1914, and allowing for the normal increase which would have undoubtedly taken place, the figure is now about 21,000,000 tons in place of 31,000,000. Not only that, but many vessels are in need of repairs or cannot be released from war duties for some little time. Demobilization will for a long period require ships.



One of the most immediate problems of international reconstruction will arise from the lack of shipping. For even if the actual deficit of tonnage be not very great, the demand for freight space for foodstuffs and raw materials will be so great that the shipowners of the world will be able to dictate their terms. And no state, acting alone, will be able to control the situation, since if any shipping is free and uncontrolled there will be vigorous protests against any one state controlling its own shipowners. "Shipping after the War," *The Athenaeum*, September, 1918.

Is it possible to adopt a *laissez-faire* policy?

What measures of control are advisable?

(a) Should a national merchant marine be taken over by the States?

(b) Could the allocation of shipping be entrusted to the executive of a League of Nations, if such a league is shortly called into existence?

(c) Are there dangers of further hostilities arising out of shipping wars?



## IV. RECONSTRUCTION PROBLEMS

### I. DEMOBILIZATION

No definite plan has yet been worked out for the demobilization of the American Expeditionary Force. The suggestion was made that this be done through the Local Boards which had charge of drafting the men into the army. Each Local Board would then be an Employment Bureau and would furnish a point of contact between employers needing employees (in some cases specific former employees) and the men from the army, but this plan was not adopted. Suggestions were also made that demobilization be effected with regard to industrial needs in certain trades; *i.e.*, the army could be combed for bricklayers and they would be demobilized first. In England elaborate plans have been worked out with the purpose of caring for the soldiers until they are reestablished in civil life and of preventing a period of unemployment. The English scheme is described in the following statement from the Ministry of Labor:

Although the time for the demobilization of his Majesty's forces is not yet in sight, the Government thinks it should be known that the problem has been receiving close attention.

The Reconstruction Committee appointed by the late Government to consider plans for the ultimate demobilization of the forces has now presented to the War Cabinet a scheme for effecting the discharge and the resettlement in civil life of the members of the forces. The scheme is the result of very careful consideration of all aspects of the problem by the Committee and the

Government Departments concerned. Obviously, it would be premature to make public the details of this scheme at the present time, but a full announcement will be made in due course. It may be stated, however, that the responsibility for carrying out demobilization will rest with the Admiralty and the War Office so far as the naval and the military arrangements are concerned, and with the Ministry of Labor as regards the resettlement of discharged sailors and soldiers in civil life.

The Lords Commissioners of the Admiralty and the Army Council have accepted as the basis of their plans for demobilization the principle that, when a lasting peace has been assured, men must be released from the forces in accordance with civil rather than naval or military requirements.

In order to help the sailors and soldiers to get back into civil life as quickly and as easily as possible, the Ministry of Labor propose to use the machinery of the Employment Exchanges, which is the only national organization sufficiently strong for the purpose; but in order to assist the Ministry and the exchanges to carry out the task which will be imposed on them, the Minister of Labor proposes to invite the employers' associations and trade unions to give him the fullest possible assistance, both centrally and locally. In the first place, a Central Committee, to be known as the Labor Resettlement Committee, has been set up, consisting of representatives of the employers and the trade unions in the principal industries in equal numbers, together with representatives of the Departments concerned with demobilization. The Minister of Labor will be Chairman of the Committee, and he has appointed Lord Burnham to be Vice-Chairman. To this Committee the Minister will look for advice and information on all questions affecting resettlement.

In addition to the Labor Resettlement Committee, local Advisory Committees have been set up in connection with all the principal Employment Exchanges, consisting of representatives of the employers and trade unions in the principal local industries in equal numbers, to whom will be added, for the purpose of demobilization, a certain number of representatives of local bodies particularly concerned with the welfare of discharged soldiers. It is hoped that a great deal of the work of finding employment for discharged men and of adjusting the difficulties which may arise in individual cases will be performed

by these committees, which the Minister regards as a vital part of the machinery for the resettlement of industry.

Further, in addition to the general questions which will be dealt with by the Central Committee, and the local or individual questions which will be dealt with by the local Advisory Committees, there are a number of problems which can only be satisfactorily solved on a basis of industry. The Minister is accordingly very anxious that Joint Standing Industrial Councils shall be set up for the organized industries as soon as possible on the lines recommended by the Whitley Report, to which he would be prepared to refer immediately a number of problems of this kind, which require careful consideration by workmen and employers sitting together. The functions of these councils in regard to resettlement would be coördinated by the Central Committee.

By means of the machinery described above the Minister hopes to secure that arrangements shall be made for coping with the problems of resettlement over the whole field of industry which shall be in harmony with national and local requirements, and also with the peculiar needs created by the conditions obtaining in each of the principal industries. The Government feel that the problem can only be successfully dealt with in close coöperation with employers' organizations and trade unions throughout the country, and the plan which has been drawn up, and has been generally approved by the War Cabinet, has been devised with that end in view.<sup>1</sup>

## 2. INDUSTRY

The fear of the workers that trade union standards will not be restored, their hostility to the compulsory arbitration required by the Munitions Act, the growing separation between the rank and file of labor and its leaders—these have all created uneasiness in working-class circles and have turned the thought of the workers to ways and means of preventing a return to the pre-war industrial system, or at least to those features of it which were most objectionable to them. (Tead, "The British Reconstruction Programs," *Political Science Quarterly*, March, 1918.)

The greater part of the discussion of industrial problems has centered around The Whitley Report

<sup>1</sup> From *The Athenaeum*, March, 1918.

which is printed in the Appendix. By August eleven Joint Industrial Councils had been established and eight had held meetings: Building Trades, Heavy Chemicals, Watch Manufacturing Industry, Baking Industry, Vehicle Building, Furniture Trade, Rubber Manufacturing Industry, and China Clay Industry (*The Labour Gazette*, October, 1918).

The following books will be found of interest:

Sidney Webb, *The Restoration of Trade Union Conditions*; O. P. I. P., *The Industrial Outlook: No Man's Land* (reprinted from *The Athenaeum*); *The Politics of Industry: An Examination of the Whitley Report* (reprinted from *The Athenaeum*); Henderson, "The Aims of Labor," *Industrial Unrest in Great Britain*, Bulletin No. 237 of the Bureau of Labor Statistics; the reports in the volumes published under the auspices of the British Association for the Advancement of Science; S. J. Chapman, G. H. Roberts, and Sir Benjamin C. Browne, "Labour and Capital," in Dawson, *After-War Problems*; Wehle, "Capital, Labor and the State," in *American Problems of Reconstruction*; Sprague, "Relations between Labor and Capital and Reconstruction," *American Economic Review*, December, 1918.

### 3. WOMEN IN INDUSTRY

England is confronted by the very serious problem of women in industry after the war. The drains on American man power had not been sufficiently great to cause large numbers of women to enter industries and trades almost without exception; yet even in the United States the problem is not without importance. A number of difficult questions must be answered:



Shall the state adopt a *laissez-faire* policy and permit the employer to take any attitude he sees fit with regard to the retention of women?

What attitude shall be taken by the state towards the unemployment of women which will ensue (in England more than in the United States) when the war industries end? Prospects of marriage will be less and taxation may restrict certain trades which have been largely carried on by women, *e. g.*, dress-making, millinery, and the production of luxuries.

What shall be the attitude toward married women retaining positions while their husbands work too? What regard should be paid the medical aspects of the question?

If women remain employed in large numbers, what shall be the attitude of trade unions toward them?

Shall they effect a separate organization themselves?

Shall the state interfere with restrictions on the industries open, and stringent regulations on hours of labor, minimum wages, etc.?

If there is unemployment, must the state provide work?

The problem is comprehensively discussed by B. L. Hutchins, *Women in Industry after the War* (Social Reconstruction Pamphlets, No. III. *The Athenaeum*). Of interest also are Adelaide M. Anderson, "Women in Industry," and A. Susan Lawrence, "Women's Wages," in *Labour and Capital after the War*; Mrs. Fawcett, "The Position of Women in Economic Life," in Dawson, *After-War Problems*; "The Replacement of Men by Women in Industry," in *Labour, Finance, and the War*; "Replacement of Men by Women during the War," and "Women Workers in Agriculture," in *Industry and Finance: War Expedients and Reconstruction*.



## 4. TAXATION

The question of credits and the taxes necessary to meet them have been exhaustively discussed by numerous writers. Many articles have appeared in the *Nineteenth Century*, the *Quarterly* and *Edinburgh Reviews*, *The Economic Journal*, the *American Economic Review*, and the *Quarterly Journal of Economics*. The problem that all nations will have to pay off their indebtedness is covered with great detail by Laughlin, *Credit of the Nations*. Two American contributions are Seligman, "Fiscal Reconstruction" and Noyes, "Economic Problems during the War and Afterward," in *American Problems of Reconstruction*. Other important writers are Marshall, "National Taxation after the War," in Dawson, *After-War Problems*; Shimmin, *Taxation and Social Reconstruction* (Social Reconstruction Pamphlets, No. II); "The Effects of the Loss on Credit, Currency, and Finance," in *Labour, Finance, and the War*, and a long report in *Industry and Finance: War Expedients and Reconstruction*. In England a levy on capital to pay the costs of the war has been very strongly urged (fully discussed in *The Economic Journal*) and one writer has suggested an ingenious scheme to relieve the world and future generations of crushing war debts. An International Congress is to issue World Bonds for amounts sufficient to meet all the expenses incurred by neutrals as well as belligerents. These bonds would be taken by the nations pro rata and exchanged for their own national certificates of indebtedness which would be cancelled. Interest on these World Bonds and a sinking fund would be provided through contributions by the states of the amounts which they saved on their pre-war naval and

military expenditures. Armies and navies would be automatically decreased every year. Stillwell, *The Great Plan: How to Pay for the War*.

## 5. HOUSING

England has paid a great deal of attention to the problem of housing, of securing "good and healthy homes for all." According to a report on *Housing in England and Wales* (Ministry of Reconstruction: Pamphlet No. 2) the present housing problem now consists of:

a. A shortage of houses amounting to between 300,000 and 400,000 for England and Wales. This is quite apart from any further shortage which would be created by the closing of slum houses.

b. A large number of defective and insanitary houses which are unfit for human beings to live in.

c. In many towns slum areas consisting of crowded and narrow courts and streets.

To solve the problem, therefore, it will be necessary first to have sufficient houses well planned and well laid out; secondly, to close and demolish unfit houses, or to see that they are properly and thoroughly repaired; and thirdly, to clear and improve the slum areas which disfigure so many of our towns.

In the United States the problem is more difficult since it is within the jurisdiction of the states and the federal government is concerned only in the territories and District of Columbia and as an incident of its power to raise and support armies. Thus, during the war, the United States Housing Corporation engaged in considerable building operations to provide accommodations for workers in Washington and for the employees who had to be brought, in great numbers, to the shipbuilding and munition plants. These building operations were abandoned almost imme-

diately after the signing of the armistice and, as has been said, the problem must now be cared for by the states. The scope of the activities of the United States Housing Corporation is described in the *Monthly Review* of the Bureau of Labor Statistics. Many articles on English aspects of the general question have appeared in the English reviews. There is a comprehensive summary by Henry R. Aldridge, "Housing after the War" in Dawson, *After-War Problems*.

## 6. EDUCATION

The educational features of the British reconstruction program have in the main been determined upon and the passage of Mr. Fisher's Education Bill marks an enormous advance—although the compulsory attendance features of the measure do not equal regulations in force in American states a decade ago. The main features of the English bill have been exhaustively discussed in the reviews, and an edition of Mr. Fisher's speeches has been published. An analytical and explanatory survey of the Act is given in *The 1918 Education Act Explained*, by Arnold S. Rowntree (reprinted from *The Athenaeum*). Other material of interest includes *Capital and Education* (reprinted from *The Athenaeum*); Viscount Haldane, "National Education" in Dawson, *After-War Problems*; De Hove, *English and German Education*; Zimmern, *Nationality and Government*.

## 7. REGIONAL RECONSTRUCTION

The fact should not be lost sight of that local authorities can do much in the way of reconstruction, e. g., housing, recreation, local government, finance, etc.

"It is clear that if Reconstruction is to be a reality, it must be the business, not of Government Departments alone, but of the individual citizens of the country. There must be throughout the length and breadth of the land continuous discussion followed by a policy to be translated into achievement through Parliament, county and municipal authorities, public utility societies, coöperative societies, and voluntary associations of all kinds. There must be an informed public opinion working its will through every social agency, a simmer of activity transforming our social tissue to new or more clearly conceived purposes. Reconstruction is an international problem, an Imperial Problem, But it is also a regional, town, and village problem—a problem affecting every social group, whatever its purpose." ("Regional Reconstruction," *The Athenaeum*, August, 1917.)

## V. POLITICAL RECONSTRUCTION

An extensive remodelling of governmental systems has taken place during the war and the tendency will doubtless continue for some time after the conclusion of peace. Certain developments—like the greatly increased authority of the British Cabinet and American President, with large ordinance-making powers and the control of all phases of economic life—will in part be permanent and they will set precedents for further modifications in the future. The war has shown that democracies cannot mobilize as efficiently as can autocracies; that temporary inefficiency is the price of enduring liberty; and to this, as has been suggested, are due the small British War Cabinets with the powers of a “directory,” and Presidential Dictatorship. In England, moreover, there is a new electorate; experiments are being made in Imperial Federation and a measure of responsible government for India. All countries have been concerned in the problems of administration and the control of expenditure. Russia, an autocracy fighting with the European democracies, has changed her form of government, and the German Constitutional System, to overthrow which was one of the chief war aims of the Allied powers, has now collapsed. Finally, a number of new states will come into existence and will have to set up governments. There are thus many problems of political reconstruction and the following



opinion is applicable not only to the United States, but to all countries:

One of the truest things that has been said of the war is that we can successfully fight Germany only by reconstructing the United States. America will emerge from the war a disintegrated nation unless it emerges with an invigorated national organization and a liberalized national consciousness. Merz, "Congress and the War," *Yale Review*, July, 1917.

For the problem of democracies and war, see Barker, "Democracy and the Iron Broom of War," *Nineteenth Century*, February, 1916, and *The Greater Problems of British Statesmanship*; "Politicus," "Many-Headed Democracies and War," *Fortnightly Review*, May, 1918; Barthélemy, *Démocratie et la politique étrangère*; Wiloughby, "The Individual and the State" in *Problems of Readjustment after the War*; Wilkinson, "The British Constitution and the Conduct of War," *Nineteenth Century*, January, 1918, also in his *Government and War*; Cox, "The Government of England," *Edinburgh Review*, July, 1918. On constitutional changes which have taken place in Great Britain and probable future developments in administration, the position of the cabinet and the powers of Parliament, see Fairlie, "British War Cabinets," *Michigan Law Review*, May, 1918; Dicey, "The New English War Cabinet: A Constitutional Experiment," *Harvard Law Review*, June, 1917; Schuyler, "The British War Cabinet," *Political Science Quarterly*, September, 1918; "The Better Government of the United Kingdom," *The Round Table*, September, 1918; Low, "The Cabinet, Revolution," *Fortnightly Review*, February, 1918; Lathbury, "Playing with the Constitution," *Nineteenth Century*, December, 1917; Marriott, "The Constitution in the Cauldron," *Nineteenth Century*,

September, 1918; Lough, "Parliament during the War," *Contemporary Review*, May, 1917. MacNeill, "The Dismantling of the British Constitution," *Contemporary Review*, December, 1917; Spender, "The British Revolution," *Contemporary Review*, May, 1917; Rogers, "The War and the English Constitution," *The Forum*, July, 1915.

Questions of administrative organization are treated in the *Report of the War Cabinet*. Important articles are "Administrative Efficiency and Popular Control," *New Statesman*, April 20, 1918; Marriott, "The Power of the Purse," *Nineteenth Century*, August, 1917; Marriott, "National Expenditure," *Edinburgh Review*, July, 1918; Williams, "Parliament and Expenditure," *Contemporary Review*, June, 1917. For imperial problems see Low, "The Imperial Constitution: The New Phase," *Nineteenth Century*, August, 1917; Pollock, "Imperial Unity: The Practical Conditions," *Quarterly Review*, January, 1918; Curtis, *The Problem of the Commonwealth*; Marriott, "British Federalism: A Vanished Dream?" *Nineteenth Century*. A summary of imperial matters appeared in the *Report of the War Cabinet*. India is treated in Curtis, *Letters to the People of India on Responsible Government*; Chirol, "India in Travail," *Edinburgh Review*, July, 1918; St. Nihal Singh, "Constitutional Reforms in British India," *Fortnightly Review*, May, 1918, and Schuyler, "Constitutional Reforms in India," *The Nation*, November 2, 1918.

Changes in representation are covered by Marriott, "The New Electorate and the Legislature," *Fortnightly Review*, April, 1918, and "Politics and Politicians," *Fortnightly Review*, October, 1918; "The British

Representation of the People Act," *American Political Science Review*, August, 1918.

On the interesting position of the press and the relations between Lloyd George and great newspapers, see Cox, "The Power of the Press," *Edinburgh Review*, April, 1918, and "The Position of the Prime Minister," *London Spectator*, March 16, 1918.

Governmental problems in the United States are treated by Ford, "The War and the Constitution," *The Atlantic Monthly*, October, 1917; "Should we Remake the Constitution?" *New Republic*, August 17, 1918; Rogers, "The Constitutional Difficulties of American Participation," *Contemporary Review*, July, 1917; Hughes, *War Powers under the Constitution*, Senate Doc. 105, 65 Congress, 1st Session; Merz, "Congress and the War," *Yale Review*, July, 1917; Leake, "The Conflict over Coördination," *American Political Science Review*, August, 1918; Wambaugh, "Emergency Legislation: A General View," *Harvard Law Review*, May, 1917; Rogers, "Coöperation between Congress and the Executive," *The Nation*, December 28, 1917; W. W. Willoughby, "Budgetary Procedure and Representative Government," *Yale Law Journal*, April, 1918; *Plan for a National Budget System*, 65th Congress, 2d Session, House Document, 1006; several volumes on budget systems published by the Institute for Government Research; Ford, *The Cost of our National Government*; Rogers, "Presidential Dictatorship in the United States," *Quarterly Review*, January, 1919.

For the government of Germany, see Dawson, "The Allies and the Supreme Issue," *Contemporary Review*, May, 1918. Governmental changes in Germany are too recent to have received any detailed treatment,

but the following articles are of interest: "Reform' in Prussia," *The Round Table*, September, 1918. Two very important articles also appeared in the London *Times* from its correspondent formerly in Berlin: "Reform or a Peace Trap," October 3, 1918, and "The Constitution Farce," October 22, 1918. Political reconstruction in South Eastern Europe is covered by Toynbee, *Nationality and the War*. An interesting article on Russia appeared in the September (1918) *Round Table*. The drafting of constitutions for the new states to be erected in Europe will present a number of interesting and important questions.



## VI. APPENDICES

### I. LABOR AND THE NEW SOCIAL ORDER<sup>1</sup>

It behooves the Labor party, in formulating its own program for reconstruction after the war, and in criticizing the various preparations and plans that are being made by the present government, to look at the problem as a whole. We have to make clear what it is that we wish to construct. It is important to emphasize the fact that, whatever may be the case with regard to other political parties, our detailed practical proposals proceed from definitely held principles.

#### THE END OF A CIVILIZATION

We need to beware of patchwork. The view of the Labor party is that what has to be reconstructed after the war is not this or that government department, or this or that piece of social machinery; but, so far as Britain is concerned, society itself. The individual worker, or for that matter the individual statesman, immersed in daily routine—like the individual soldier in a battle—easily fails to understand the magnitude and far-reaching importance of what is taking place around him. How does it fit together as a whole? How does it look from a distance? Count Okuma, one of the oldest, most experienced and ablest of the

<sup>1</sup>A Report on Reconstruction by the Sub-Committee of the British Labor Party. (Reprinted from *The New Republic*, February 16, 1918.)



statesmen of Japan, watching the present conflict from the other side of the globe, declares it to be nothing less than the death of European civilization. Just as in the past the civilization of Babylon, Egypt, Greece, Carthage and the great Roman empire have been successively destroyed, so, in the judgment of this detached observer, the civilization of all Europe is even now receiving its death blow. We of the Labor party can so far agree in this estimate as to recognize, in the present world catastrophe, if not the death, in Europe, of civilization itself, at any rate the culmination and collapse of a distinctive industrial civilization, which the workers will not seek to reconstruct. At such times of crisis it is easier to slip into ruin than to progress into higher forms of organization. That is the problem as it presents itself to the Labor party.

What this war is consuming is not merely the security, the homes, the livelihood and the lives of millions of innocent families, and an enormous proportion of all the accumulated wealth of the world, but also the very basis of the peculiar social order in which it has arisen. The individualist system of capitalist production, based on the private ownership and competitive administration of land and capital, with its reckless "profiteering" and wage-slavery; with its glorification of the unhampered struggle for the means of life and its hypocritical pretense of the "survival of the fittest"; with the monstrous inequality of circumstances which it produces and the degradation and brutalization, both moral and spiritual, resulting therefrom, may, we hope, indeed have received a death blow. With it must go the political system and ideas in which it naturally found expression. We of the Labor party, whether in opposition or in due time

called upon to form an administration, will certainly lend no hand to its revival. On the contrary, we shall do our utmost to see that it is buried with the millions whom it has done to death. If we in Britain are to escape from the decay of civilization itself, which the Japanese statesman foresees, we must ensure that what is presently to be built up is a new social order, based not on fighting but on fraternity—not on the competitive struggle for the means of bare life, but on a deliberately planned coöperation in production and distribution for the benefit of all who participate by hand or by brain—not on the utmost possible inequality of riches, but on a systematic approach towards a healthy equality of material circumstances for every person born into the world—not on an enforced dominion over subject nations, subject races, subject colonies, subject classes, or a subject sex, but, in industry as well as in government, on that equal freedom, that general consciousness of consent, and that widest possible participation in power, both economic and political, which is characteristic of democracy. We do not, of course, pretend that it is possible, even after the drastic clearing away that is now going on, to build society anew in a year or two of feverish "reconstruction." What the Labor party intends to satisfy itself about is that each brick that it helps to lay shall go to erect the structure that it intends, and no other.

#### THE PILLARS OF THE HOUSE

We need not here recapitulate, one by one, the different items in the Labor party's program, which successive party conferences have adopted. These proposals, some of them in various publications worked out in practical detail, are often carelessly

derided as impracticable, even by the politicians who steal them piecemeal from us! The members of the Labor party, themselves actually working by hand or by brain, in close contact with the facts, have perhaps at all times a more accurate appreciation of what is practicable, in industry as in politics, than those who depend solely on academic instruction or are biased by great possessions. But today no man dares to say that anything is impracticable. The war which has scared the old political parties right out of their dogmas, has taught every statesman and every government official, to his enduring surprise, how very much more can be done along the lines that we have laid down than he had ever before thought possible. What we now promulgate as our policy, whether for opposition or for office, is not merely this or that specific reform, but a deliberately thought out, systematic, and comprehensive plan for that immediate social rebuilding which any ministry, whether or not it desires to grapple with the problem, will be driven to undertake. The four pillars of the house that we propose to erect, resting upon the common foundation of the democratic control of society in all its activities, may be termed:

- a. The Universal Enforcement of the National Minimum;
- b. The Democratic Control of Industry;
- c. The Revolution in National Finance; and
- d. The Surplus Wealth for the Common Good.

#### THE UNIVERSAL ENFORCEMENT OF A NATIONAL MINIMUM

The first principle of the Labor party—in significant contrast with those of the capitalist system, whether

expressed by the Liberal or by the Conservative party—is the securing to every member of the community, in good times and bad alike (and not only to the strong and able, the well born or the fortunate), of all the requisites of healthy life and worthy citizenship. This is in no sense a “class” proposal. Such an amount of social protection of the individual, however poor and lowly, from birth to death, is, as the economist now knows, as indispensable to fruitful coöperation as it is to successful combination; and it affords the only complete safeguard against that insidious degradation of the standard of life which is the worst economic and social calamity to which any community can be subjected. We are members one of another. No man liveth to himself alone. If any, even the humblest, is made to suffer, the whole community and every one of us, whether or not we recognize the fact, is thereby injured. Generation after generation this has been the corner-stone of the faith of Labor. It will be the guiding principle of any Labor government.

### *The Legislative Regulation of Employment*

Thus it is that the Labor party today stands for the universal application of the policy of the national minimum, to which (as embodied in the successive elaborations of the Factory, Mines, Railways, Shops, Merchant Shipping, and Truck acts, the Public Health, Housing, and Education acts and the Minimum Wage act—all of them aiming at the enforcement of at least the prescribed minimum of leisure, health, education, and subsistence) the spokesmen of Labor have already gained the support of the enlightened statesmen and economists of the world. All these laws purporting to protect against extreme



degradation of the standard of life need considerable improvement and extension, whilst their administration leaves much to be desired. For instance, the Workmen's Compensation act fails shamefully, not merely to secure proper provision for all the victims of accident and industrial disease, but what is much more important, does not succeed in preventing their continual increase. The amendment and consolidation of the Factory and Workshops acts, with their extension to all employed persons, is long overdue, and it will be the policy of Labor greatly to strengthen the staff of inspectors, especially by the addition of more men and women of actual experience of the workshop and the mine. The Coal Mines (Minimum Wage) act must certainly be maintained in force, and suitably amended, so as both to ensure greater uniformity of conditions among the several districts, and to make the district minimum in all cases an effective reality. The same policy will, in the interests of the agricultural laborers, dictate the perpetuation of the Legal Wage clauses of the new Corn law just passed for a term of five years, and the prompt amendment of any defects that may be revealed in their working. And, in view of the fact that many millions of wage-earners, notably women and the less skilled workmen in various occupations, are unable by combination to obtain wages adequate for decent maintenance in health, the Labor party intends to see to it that the Trade Boards act is suitably amended and made to apply to all industrial employments in which any considerable number of those employed obtain less than 30s. per week. This minimum of not less than 30s. per week (which will need revision according to the level of prices) ought to be the very lowest statutory base



line for the least skilled adult workers, men or women, in any occupation, in all parts of the United Kingdom.

### *The Organization of Demobilization*

But the coming industrial dislocation, which will inevitably follow the discharge from war service of half of all the working population, imposes new obligations upon the community. The demobilization and discharge of the eight million wage-earners now being paid from public funds, either for service with the colors or in munition work and other war trades, will bring to the whole wage-earning class grave peril of unemployment, reduction of wages, and a lasting degradation of the standard of life, which can be prevented only by deliberate national organization. The Labor party has repeatedly called upon the present government to formulate its plan, and to make in advance all arrangements necessary for coping with so unparalleled a dislocation. The policy to which the Labor party commits itself is unhesitating and uncompromising. It is plain that regard should be had, in stopping government orders, reducing the staff of the national factories and demobilizing the army, to the actual state of employment in particular industries and in different districts, so as both to release first the kinds of labor most urgently required for the revival of peace production, and to prevent any congestion of the market. It is no less imperative that suitable provision against being turned suddenly adrift without resources should be made, not only for the soldiers, but also for the three million operatives in munition work and other war trades, who will be discharged long before most of the army can be disbanded. On this important point, which is the most urgent of all,

the present government has, we believe, down to the present hour, formulated no plan, and come to no decision, and neither the Liberal nor the Conservative party has apparently deemed the matter worthy of agitation. Any government which should allow the discharged soldier or munition worker to fall into the clutches of charity or the Poor law would have to be instantly driven from office by an outburst of popular indignation. What every one of them will look for is a situation in accordance with his capacity.

### *Securing Employment for All*

The Labor party insists—as no other political party has thought fit to do—that the obligation to find suitable employment in productive work for all these men and women rests upon the government for the time being. The work of re-settling the disbanded soldiers and discharged munition workers into new situations is a national obligation; and the Labor party emphatically protests against its being regarded as a matter for private charity. It strongly objects to this public duty being handed over either to committees of philanthropists or benevolent societies, or to any of the military or recruiting authorities. The policy of the Labor party in this matter is to make the utmost use of the trade unions, and, equally for the brain-workers, of the various professional associations. In view of the fact that, in any trade, the best organization for placing men in situations is a national trade union having local branches throughout the kingdom, every soldier should be allowed, if he chooses, to have a duplicate of his industrial discharge notice sent, one month before the date fixed for his discharge, to the secretary of the trade union to which he belongs or

wishes to belong. Apart from this use of the trade union (and a corresponding use of the professional association) the government must, of course, avail itself of some such public machinery as that of the employment exchanges; but before the existing exchanges (which will need to be greatly extended) can receive the coöperation and support of the organized Labor movement, without which their operations can never be fully successful, it is imperative that they should be drastically reformed, on the lines laid down in the Demobilization Report of the "Labor After the War" Joint Committee; and, in particular, that each exchange should be placed under the supervision and control of a joint committee of employers and trade unionists in equal numbers.

The responsibility of the government, for the time being, in the grave industrial crisis that demobilization will produce, goes, however, far beyond the eight million men and women whom the various departments will suddenly discharge from their own service. The effect of this peremptory discharge on all the other workers has also to be taken into account. To the Labor party it will seem the supreme concern of the government of the day to see to it that there shall be, as a result of the gigantic "General Post" which it will itself have deliberately set going, nowhere any degradation of the standard of life. The government has pledged itself to restore the trade union conditions and "pre-war practices" of the work-shop, which the trade unions patriotically gave up at the direct request of the government itself; and this solemn pledge must be fulfilled, of course, in the spirit as well as in the letter. The Labor party, moreover, holds it to be the duty of the government of the day to take all necessary

steps to prevent the standard rates of wages, in any trade or occupation whatsoever, from suffering any reduction, relatively to the contemporary cost of living. Unfortunately, the present government, like the Liberal and Conservative parties, so far refuses to speak on this important matter with any clear voice. We claim that it should be a cardinal point of government policy to make it plain to every capitalist employer that any attempt to reduce the customary rates of wages when peace comes, or to take advantage of the dislocation of demobilization to worsen the conditions of employment in any grade whatsoever, will certainly lead to embittered industrial strife, which will be in the highest degree detrimental to the national interests; and that the government of the day will not hesitate to take all necessary steps to avert such a calamity. In the great impending crisis the government of the day should not only, as the greatest employer of both brainworkers and manual workers, set a good example in this respect, but should also actively seek to influence private employers by proclaiming in advance that it will not itself attempt to lower the standard rates of conditions in public employment; by announcing that it will insist on the most rigorous observance of the fair wages clause in all public contracts, and by explicitly recommending every local authority to adopt the same policy.

But nothing is more dangerous to the standard of life, or so destructive of those minimum conditions of healthy existence, which must in the interests of the community be assured to every worker, than any widespread or continued unemployment. It has always been a fundamental principle of the Labor party (a point on which, significantly enough, it has



not been followed by either of the other political parties) that, in a modern industrial community, it is one of the foremost obligations of the government to find, for every willing worker, whether by hand or by brain, productive work at standard rates.

It is accordingly the duty of the government to adopt a policy of deliberately and systematically preventing the occurrence of unemployment, instead of, as heretofore, letting unemployment occur, and then seeking, vainly and expensively, to relieve the unemployed. It is now known that the government can, if it chooses, arrange the public works and the orders of national departments and local authorities in such a way as to maintain the aggregate demand for labor in the whole kingdom (including that of capitalist employers) approximately at a uniform level from year to year; and it is therefore a primary obligation of the government to prevent any considerable or widespread fluctuations in the total numbers employed in times of good or bad trade. But this is not all. In order to prepare for the possibility of there being any unemployment, either in the course of demobilization or in the first years of peace, it is essential that the government should make all necessary preparations for putting instantly in hand, directly or through the local authorities, such urgently needed public works as (*a*) the rehousing of the population alike in rural districts, mining villages, and town slums, to the extent, possibly, of a million new cottages and an outlay of three hundred millions sterling; (*b*) the immediate making good of the shortage of schools, training colleges, technical colleges, etc., and the engagement of the necessary additional teaching, clerical, and administrative staffs; (*c*) new roads; (*d*) light railways; (*e*) the



unification and reorganization of the railway and canal system; (f) afforestation; (g) the reclamation of land; (h) the development and better equipment of our ports and harbors; (i) the opening up of access to land by coöperative small holdings and in other practicable ways. Moreover, in order to relieve any pressure of an overstocked labor market, the opportunity should be taken, if unemployment should threaten to become widespread, (a) immediately to raise the school-leaving age to sixteen; (b) greatly to increase the number of scholarships and bursaries for secondary and higher education; and (c) substantially to shorten the hours of labor of all young persons, even to a greater extent than the eight hours per week contemplated in the new Education bill, in order to enable them to attend technical and other classes in the day-time. Finally, wherever practicable, the hours of adult labor should be reduced to not more than forty-eight per week, without reduction of the standard rates of wages. There can be no economic or other justification for keeping any man or woman to work for long hours, or at overtime, whilst others are unemployed.

### *Social Insurance Against Unemployment*

In so far as the government fails to prevent unemployment—whenever it finds it impossible to discover for any willing worker, man or woman, a suitable situation at the standard rate—the Labor party holds that the government must, in the interest of the community as a whole, provide him or her with adequate maintenance, either with such arrangements for honorable employment or with such useful training as may be found practicable, according to age, health

and previous occupation. In many ways the best form of provision for those who must be unemployed, because the industrial organization of the community so far breaks down as to be temporarily unable to set them to work, is the Out of Work Benefit afforded by a well administered trade union. This is a special tax on the trade unionists themselves which they have voluntarily undertaken, but towards which they have a right to claim a public subvention—a subvention which was actually granted by Parliament (though only to the extent of a couple of shillings or so per week) under Part II of the Insurance act.

The arbitrary withdrawal by the government in 1915 of this statutory right of the trade unions was one of the least excusable of the war economies; and the Labor party must insist on the resumption of this subvention immediately the war ceases, and on its increase to at least half the amount spent in Out of Work Benefit. The extension of state unemployment insurance to other occupations may afford a convenient method of providing for such of the unemployed, especially in the case of badly paid women workers and the less skilled men, whom it is difficult to organize in trade unions. But the weekly rate of the state unemployment benefit needs, in these days of high prices, to be considerably raised; whilst no industry ought to be compulsorily brought within its scope against the declared will of the workers concerned, and especially of their trade unions. In the twentieth century, there must be no question of driving the unemployed to anything so obsolete and discredited as either private charity, with its haphazard and ill-considered doles, or the Poor law, with the futilities and barbarities of its "Stone Yard," or its "Able-bodied Test Workhouse."

Only on the basis of a universal application of the Policy of the National Minimum, affording complete security against destitution, in sickness and health, in good times and bad alike, to every member of the community can any worthy social order be built up.

#### THE DEMOCRATIC CONTROL OF INDUSTRY

The universal application of the policy of the national minimum is, of course, only the first of the pillars of the house that the Labor party intends to see built. What marks off this party most distinctly from any of the other political parties is its demand for the full and genuine adoption of the principle of democracy. The first condition of democracy is effective personal freedom. This has suffered so many encroachments during the war that it is necessary to state with clearness that the complete removal of all the war-time restrictions on freedom of speech, freedom of publication, freedom of the press, freedom of travel and freedom of choice of place of residence and kind of employment must take place the day after peace is declared. The Labor party declares emphatically against any continuance of the Military Service acts a moment longer than the imperative requirements of the war excuse. But individual freedom is of little use without complete political rights. The Labor party sees its repeated demands largely conceded in the present Representation of the People act, but not yet wholly satisfied. The party stands, as heretofore, for complete adult suffrage, with not more than a three months' residential qualification, for effective provision for absent electors to vote, for absolutely equal rights for both sexes, for the same freedom to exercise civic rights for the "common

soldier" as for the officer, for shorter Parliaments, for the complete abolition of the House of Lords, and for a most strenuous opposition to any new Second Chamber, whether elected or not, having in it any element of heredity or privilege, or of the control of the House of Commons by any party or class. But unlike the Conservative and Liberal parties, the Labor party insists on democracy in industry as well as in government. It demands the progressive elimination from the control of industry of the private capitalist, individual or joint-stock; and the setting free of all who work, whether by hand or by brain, for the service of the community, and of the community only. And the Labor party refuses absolutely to believe that the British people will permanently tolerate any reconstruction or perpetuation of the disorganization, waste and inefficiency involved in the abandonment of British industry to a jostling crowd of separate private employers, with their minds bent, not on the service of the community, but—by the very law of their being—only on the utmost possible profiteering. What the nation needs is undoubtedly a great bound onward in its aggregate productivity. But this cannot be secured merely by pressing the manual workers to more strenuous toil, or even by encouraging the "Captains of Industry" to a less wasteful organization of their several enterprises on a profit-making basis. What the Labor party looks to is a genuinely scientific reorganization of the nation's industry, no longer deflected by individual profiteering, on the basis of the common ownership of the means of production; the equitable sharing of the proceeds among all who participate in any capacity and only among these, and the adoption,



in particular services and occupations, of those systems and methods of administration and control that may be found, in practice, best to promote the public interest.

### *Immediate Nationalization*

The Labor party stands not merely for the principle of the common ownership of the nation's land, to be applied as suitable opportunities occur, but also, specifically, for the immediate nationalization of railways, mines and the production of electrical power. We hold that the very foundation of any successful reorganization of British industry must necessarily be found in the provision of the utmost facilities for transport and communication, the production of power at the cheapest possible rate and the most economical supply of both electrical energy and coal to every corner of the kingdom. Hence the Labor party stands, unhesitatingly, for the national ownership and administration of the railways and canals, and their union, along with harbors and roads, and the posts and telegraphs—not to say also the great lines of steamers which could at once be owned, if not immediately directly managed in detail, by the government—in a united national service of communication and transport; to be worked, unhampered by capitalist, private or purely local interests (and with a steadily increasing participation of the organized workers in the management, both central and local), exclusively for the common good. If any government should be so misguided as to propose, when peace comes, to hand the railways back to the shareholders; or should show itself so spendthrift of the nations' property as to give these shareholders any enlarged



franchise by presenting them with the economies of unification or the profits of increased railway rates; or so extravagant as to bestow public funds on the reëquipment of privately owned lines—all of which things are now being privately intrigued for by the railway interests—the Labor party will offer any such project the most strenuous opposition. The railways and canals, like the roads, must henceforth belong to the public.

In the production of electricity, for cheap power, light, and heating, this country has so far failed, because of hampering private interests, to take advantage of science. Even in the largest cities we still "peddle" our electricity on a contemptibly small scale. What is called for immediately after the war, is the erection of a score of gigantic "super-power stations," which could generate, at incredibly cheap rates, enough electricity for the use of every industrial establishment and every private household in Great Britain; the present municipal and joint-stock electrical plants being universally linked up and used for local distribution. This is inevitably the future of electricity. It is plain that so great and so powerful an enterprise, affecting every industrial enterprise and, eventually, every household, must not be allowed to pass into the hands of private capitalists. They are already pressing the government for the concession, and neither the Liberal nor the Conservative party has yet made up its mind to a refusal of such a new endowment of profiteering in what will presently be the life blood of modern productive industry. The Labor party demands that the production of electricity on the necessary gigantic scale shall be made, from the start (with suitable arrangements for muni-

cipal coöperation in local distribution) a national enterprise, to be worked exclusively with the object of supplying the whole kingdom with the cheapest possible power, light and heat.

But with railways and the generation of electricity in the hands of the public, it would be criminal folly to leave to the present one thousand five hundred colliery companies the power of "holding up" the coal supply. These are now all working under public control, on terms that virtually afford to their shareholders a statutory guarantee of their swollen incomes. The Labor party demands the immediate nationalization of mines, the extraction of coal and iron being worked as a public service (with a steadily increasing participation in the management, both central and local, of the various grades of persons employed); and the whole business of the retail distribution of household coal being undertaken, as a local public service, by the elected municipal or county councils. And there is no reason why coal should fluctuate in price any more than railway fares, or why the consumer should be made to pay more in winter than in summer, or in one town than another. What the Labor party would aim at is, for household coal of standard quality, a fixed and uniform price for the whole kingdom, payable by rich and poor alike, as unalterable as the penny postage stamp.

But the sphere of immediate nationalization is not restricted to these great industries. We shall never succeed in putting the gigantic system of health insurance on a proper footing, or secure a clear field for the beneficent work of the Friendly Societies, or gain a free hand for the necessary development of the urgently called for Ministry of Health

and the Local Public Health Service, until the nation expropriates the profit-making industrial insurance companies, which now so tyrannously exploit the people with their wasteful house-to-house industrial life assurance. Only by such an expropriation of life assurance companies can we secure the universal provision, free from the burdensome toll of weekly pence, of the indispensable funeral benefit. Nor is it in any sense a "class" measure. Only by the assumption by a state department of the whole business of life assurance can the millions of policy-holders of all classes be completely protected against the possibly calamitous results of the depreciation of securities and suspension of bonuses which the war is causing. Only by this means can the great staff of insurance agents find their proper place as civil servants, with equitable conditions of employment, compensation for any disturbance and security of tenure, in a nationally organized public service for the discharge of the steadily increasing functions of the government in vital statistics and social insurance.

In quite another sphere the Labor party sees the key to temperance reform in taking the entire manufacture and retailing of alcoholic drink out of the hands of those who find profit in promoting the utmost possible consumption. This is essentially a case in which the people, as a whole, must deal with the licensing question in accordance with local opinion. For this purpose, localities should have conferred upon them facilities: (a) to prohibit the sale of liquor within their boundaries; (b) to reduce the number of licenses and regulate the conditions under which they may be held; and (c) if a locality decides that licenses are to be granted, to determine whether such licenses

shall be under private or any form of public control.

Other main industries, especially those now becoming monopolized, should be nationalized as opportunity offers. Moreover, the Labor party holds that the municipalities should not confine their activities to the necessarily costly services of education, sanitation and police; nor yet rest content with acquiring control of the local water, gas, electricity and tramways; but that every facility should be afforded to them to acquire (easily, quickly and cheaply) all the land they require, and to extend their enterprises in housing and town planning, parks, and public libraries, the provision of music and the organization of recreation; and also to undertake, besides the retailing of coal, other services of common utility, particularly the local supply of milk, wherever this is not already fully organized by a coöperative society.

### *Control of Capitalist Industry*

Meanwhile, however, we ought not to throw away the valuable experience now gained by the government in its assumption of the importation of wheat, wool, metals, and other commodities, and in its control of the shipping, woolen, leather, clothing, boot and shoe, milling, baking, butchering, and other industries. The Labor party holds that, whatever may have been the shortcomings of this government importation and control, it has demonstrably prevented a lot of "profiteering." Nor can it end immediately on the declaration of peace. The people will be extremely foolish if they ever allow their indispensable industries to slip back into the unfettered control of private capitalists, who are, actually at the instance of the



government itself, now rapidly combining, trade by trade, into monopolist trusts, which may presently become as ruthless in their extortion as the worst American examples. Standing as it does for the democratic control of industry, the Labor party would think twice before it sanctioned any abandonment of the present profitable centralization of purchase of raw material; of the present carefully organized "rationing," by joint committees of the trades concerned, of the several establishments with the materials they require; of the present elaborate system of "costing" and public audit of manufacturers' accounts, so as to stop the waste heretofore caused by the mechanical inefficiency of the more backward firms; of the present salutary publicity of manufacturing processes and expenses thereby ensured; and, on the information thus obtained (in order never again to revert to the old-time profiteering) of the present rigid fixing, for standardized products, of maximum prices at the factory, at the warehouse of the wholesale trader and in the retail shop. This question of the retail prices of household commodities is emphatically the most practical of all political issues to the woman elector. The male politicians have too long neglected the grievances of the small household, which is the prey of every profiteering combination; and neither the Liberal nor the Conservative party promises, in this respect, any amendment. This, too, is in no sense a "class" measure. It is, so the Labor party holds, just as much the function of government, and just as necessary a part of the democratic regulation of industry, to safeguard the interests of the community as a whole, and those of all grades and sections of private con-



sumers in the matter of prices, as it is, by the Factory and Trade Boards acts, to protect the rights of the wage-earning producers in the matter of wages, hours of labor and sanitation.

#### A REVOLUTION IN NATIONAL FINANCE

In taxation, also, the interests of the professional and house-keeping classes are at one with those of the manual workers. Too long has our national finance been regulated, contrary to the teaching of political economy, according to the wishes of the possessing classes and the profits of the financiers. The colossal expenditure involved in the present war (of which, against the protest of the Labor party, only a quarter has been raised by taxation, whilst three-quarters have been borrowed at onerous rates of interest, to be a burden on the nation's future) brings things to a crisis. When peace comes, capital will be needed for all sorts of social enterprises, and the resources of government will necessarily have to be vastly greater than they were before the war. Meanwhile innumerable new private fortunes are being heaped up by those who have taken advantage of the nation's needs; and the one-tenth of the population which owns nine-tenths of the riches of the United Kingdom, far from being made poorer, will find itself, in the aggregate, as a result of the war, drawing in rent and interest and dividends a larger nominal income than ever before. Such a position demands a revolution in national finance. How are we to discharge a public debt that may well reach the almost incredible figure of seven thousand million pounds sterling, and at the same time raise an annual revenue which, for local as well as central government,

must probably reach one thousand millions a year? It is over this problem of taxation that the various political parties will be found to be most sharply divided.

The Labor party stands for such a system of taxation as will yield all the necessary revenue to the government without encroaching on the prescribed national minimum standard of life of any family whatsoever; without hampering production or discouraging any useful personal effort, and with the nearest possible approximation to equality of sacrifice. We definitely repudiate all proposals for a protective tariff, in whatever specious guise they may be cloaked, as a device for burdening the consumer with unnecessarily enhanced prices, to the profit of the capitalist employer or landed proprietor, who avowedly expects his profit or rent to be increased thereby. We shall strenuously oppose any taxation, of whatever kind, which would increase the price of food or of any other necessary of life. We hold that indirect taxation on commodities, whether by customs or excise, should be strictly limited to luxuries; and concentrated principally on those of which it is socially desirable that the consumption should be actually discouraged. We are at one with the manufacturer, the farmer, and the trader in objecting to taxes interfering with production or commerce, or hampering transport and communications. In all these matters—once more in contrast with the other political parties, and by no means in the interests of the wage-earners alone—the Labor party demands that the very definite teachings of economic science should no longer be disregarded as they have been in the past.

For the raising of the greater part of the revenue now required, the Labor party looks to the direct

taxation of the incomes above the necessary cost of family maintenance; and, for the requisite effort to pay off the national debt, to the direct taxation of private fortunes both during life and at death. The income tax and super-tax ought at once to be thoroughly reformed in assessment and collection, in abatements and allowances and in graduation and differentiation, so as to levy the required total sum in such a way as to make the real sacrifice of all the tax-payers as nearly as possible equal. This would involve assessment by families instead of by individual persons, so that the burden is alleviated in proportion to the number of persons to be maintained. It would involve the raising of the present unduly low minimum income assessable to the tax, and the lightening of the present unfair burden on the great mass of professional and small trading classes by a new scale of graduation, rising from a penny in the pound on the smallest assessable income up to sixteen or even nineteen shillings in the pound on the highest income of the millionaires. It would involve bringing into assessment the numerous windfalls of profit that now escape, and a further differentiation between essentially different kinds of income. The excess profits tax might well be retained in an appropriate form; whilst, so long as mining royalties exist, the mineral rights duty ought to be increased. The steadily rising unearned increment of urban and mineral land ought, by an appropriate direct taxation of land values, to be wholly brought into the public exchequer. At the same time, for the service and redemption of the national debt, the death duties ought to be regraduated, much more strictly collected, and greatly increased. In this matter we need,

in fact, completely to reverse our point of view, and to arrange the whole taxation of inheritance from the standpoint of asking what is the maximum amount that any rich man should be permitted at death to divert, by his will, from the national exchequer, which should normally be the heir to all private riches in excess of a quite moderate amount by way of family provision. But all this will not suffice. It will be imperative at the earliest possible moment to free the nation from at any rate the greater part of its new load of interest bearing debt for loans which ought to have been levied as taxation; and the Labor party stands for a special capital levy to pay off, if not the whole, a very substantial part of the entire national debt—a capital levy chargeable like the death duties on all property, but (in order to secure approximate equality of sacrifice) with exemption of the smallest savings and for the rest at rates very steeply graduated, so as to take only a small contribution from the little people and a very much larger percentage from the millionaires.

Over this issue of how the financial burden of the war is to be borne, and how the necessary revenue is to be raised, the greatest political battles will be fought. In this matter the Labor party claims the support of four-fifths of the whole nation, for the interests of the clerk, the teacher, the doctor, the minister of religion, the average retail shopkeeper and trader, and all the mass of those living on small incomes are identical with those of the artisan. The landlords, the financial magnates, the possessors of great fortunes will not, as a class, willingly forego the relative immunity that they have hitherto enjoyed. The present unfair subjection of the coöperative



society to an excess profits tax on the "profits" which it has never made—specially dangerous as "the thin end of the wedge" of penal taxation of this laudable form of democratic enterprise—will not be abandoned without a struggle. Every possible effort will be made to juggle with the taxes, so as to place upon the shoulders of the mass of laboring folk and upon the struggling households of the professional men and small traders (as was done after every previous war)—whether by customs or excise duties, by industrial monopolies, by unnecessarily high rates of postage and railway fares, or by a thousand and one other ingenious devices—an unfair share of the national burden. Against these efforts the Labor party will take the firmest stand.

#### THE SURPLUS FOR THE COMMON GOOD

In the disposal of the surplus above the standard of life society has hitherto gone as far wrong as in its neglect to secure the necessary basis of any genuine industrial efficiency or decent social order. We have allowed the riches of our mines, the rental value of the lands superior to the margin of cultivation, the extra profits of the fortunate capitalists, even the material outcome of scientific discoveries—which ought by now to have made this Britain of ours immune from class poverty or from any widespread destitution—to be absorbed by individual proprietors; and then devoted very largely to the senseless luxury of an idle rich class. Against this misappropriation of the wealth of the community, the Labor party—speaking in the interests not of the wage-earners alone, but of every grade and section of producers by hand or by brain, not to mention also those of the generations that are



to succeed us, and of the permanent welfare of the community—emphatically protests. One main pillar of the house that the Labor party intends to build is the future appropriation of the surplus, not to the enlargement of any individual fortune, but to the common good. It is from this constantly arising surplus (to be secured, on the one hand, by nationalization and municipalization and, on the other, by the steeply graduated taxation of private income and riches) that will have to be found the new capital which the community day by day needs for the perpetual improvement and increase of its various enterprises, for which we shall decline to be dependent on the usury-exacting financiers. It is from the same source that has to be defrayed the public provision for the sick and infirm of all kinds (including that for maternity and infancy) which is still so scandalously insufficient; for the aged and those prematurely incapacitated by accident or disease, now in many ways so imperfectly cared for; for the education alike of children, of adolescents and of adults, in which the Labor party demands a genuine equality of opportunity, overcoming all differences of material circumstances; and for the organization of public improvements of all kinds, including the brightening of the lives of those now condemned to almost ceaseless toil, and a great development of the means of recreation. From the same source must come the greatly increased public provision that the Labor party will insist on being made for scientific investigation and original research, in every branch of knowledge, not to say also for the promotion of music, literature and fine art, which have been under capitalism so greatly neglected, and upon which, so the Labor party holds, any real development of civilization fun-

damentally depends. Society, like the individual, does not live by bread alone—does not exist only for perpetual wealth production. It is in the proposal for this appropriation of every surplus for the common good—in the vision of its resolute use for the building up of the community as a whole instead of for the magnification of individual fortunes—that the Labor party, as the party of the producers by hand or by brain, most distinctively marks itself off from the older political parties, standing, as these do, essentially for the maintenance, unimpaired, of the perpetual private mortgage upon the annual product of the nation that is involved in the individual ownership of land and capital.

#### THE STREET OF TOMORROW

The house which the Labor party intends to build, the four 'pillars of which have now been described, does not stand alone in the world. Where will it be in the street of tomorrow? If we repudiate, on the one hand, the imperialism that seeks to dominate other races, or to impose our own will on other parts of the British empire, so we disclaim equally any conception of a selfish and insular "non-interventionism," unregarding of our special obligations to our fellow-citizens overseas; of the corporate duties of one nation to another; of the moral claims upon us of the non-adult races, and of our own indebtedness to the world of which we are part. We look for an ever-increasing intercourse, a constantly developing exchange of commodities, a continually expanding friendly co-operation among all the peoples of the world. With regard to that great commonwealth of all races, all colors, all religions and all degrees of civilization, that

we call the British empire, the Labor party stands for its maintenance and its progressive development on the lines of local autonomy and "Home Rule All Round"; the fullest respect for the rights of each people, whatever its color, to all the democratic self-government of which it is capable, and to the proceeds of its own toil upon the resources of its own territorial home; and the closest possible coöperation among all the various members of what has become essentially not an empire in the old sense, but a Britannic alliance.

We desire to maintain the most intimate relations with the Labor parties overseas. Like them, we have no sympathy with the projects of "Imperial Federation," in so far as these imply the subjection to a common imperial legislature wielding coercive power (including dangerous facilities for coercive imperial taxation and for enforced military service), either of the existing self-governing Dominions, whose autonomy would be thereby invaded; or of the United Kingdom, whose freedom of democratic self-development would be thereby hampered; or of India and the colonial dependencies, which would thereby run the risk of being further exploited for the benefit of a "White Empire." We do not intend, by any such "Imperial Senate," either to bring the plutocracy of Canada and South Africa to the aid of the British aristocracy, or to enable the landlords and financiers of the mother country to unite in controlling the growing popular democracies overseas. The autonomy of each self-governing part of the empire must be intact.

What we look for, besides a constant progress in democratic self-government of every part of the Britannic alliance, and especially in India, is a con-

tinuous participation of the ministers of the Dominions, of India, and eventually of other dependencies (perhaps by means of their own ministers specially resident in London for this purpose) in the most confidential deliberations of the Cabinet, so far as foreign policy and imperial affairs are concerned; and the annual assembly of an Imperial Council, representing all constituents of the Britannic alliance and all parties in their local legislatures, which should discuss all matters of common interest, but only in order to make recommendations for the simultaneous consideration of the various autonomous local legislatures of what should increasingly take the constitutional form of an alliance of free nations. And we carry the idea further. As regards our relations to foreign countries, we disavow and disclaim any desire or intention to dispossess or to impoverish any other state or nation. We seek no increase of territory. We disclaim all idea of "economic war." We ourselves object to all protective customs tariffs; but we hold that each nation must be left free to do what it thinks best for its own economic development, without thought of injuring others. We believe that nations are in no way damaged by each other's economic prosperity or commercial progress; but, on the contrary, that they are actually themselves mutually enriched thereby. We would therefore put an end to the old entanglements and mystifications of secret diplomacy and the formation of leagues against leagues. We stand for the immediate establishment, actually as a part of the treaty of peace with which the present war will end, of a universal league or society of nations, a supernational authority, with an international high court to try all justiciable issues between nations; an international



legislature to enact such common laws as can be mutually agreed upon, and an international council of mediation to endeavor to settle without ultimate conflict even those disputes which are not justiciable. We would have all the nations of the world most solemnly undertake and promise to make common cause against any one of them that broke away from this fundamental agreement. The world has suffered too much from war for the Labor party to have any other policy than that of lasting peace.

#### MORE LIGHT—BUT ALSO MORE WARMTH

The Labor party is far from assuming that it possesses a key to open all locks; or that any policy which it can formulate will solve all the problems that beset us. But we deem it important to ourselves as well as to those who may, on the one hand, wish to join the party, or, on the other, to take up arms against it, to make quite clear and definite our aim and purpose. The Labor party wants that aim and purpose, as set forth in the preceding pages, with all its might. It calls for more warmth in politics, for much less apathetic acquiescence in the miseries that exist, for none of the cynicism that saps the life of leisure. On the other hand, the Labor party has no belief in any of the problems of the world being solved by good will alone. Good will without knowledge is warmth without light. Especially in all the complexities of politics, in the still undeveloped science of society, the Labor party stands for increased study, for the scientific investigation of each succeeding problem, for the deliberate organization of research, and for a much more rapid dissemination among the whole people of all the science that exists. And it is perhaps specially



the Labor party that has the duty of placing this advancement of science in the forefront of its political program. What the Labor party stands for in all fields of life is, essentially democratic coöperation; and coöperation involves a common purpose which can be agreed to; a common plan which can be explained and discussed, and such a measure of success in the adaptation of means to ends as will ensure a common satisfaction. An autocratic sultan may govern without science if his whim is law. A plutocratic party may choose to ignore science, if it is heedless whether its pretended solutions of social problems that may win political triumphs ultimately succeed or fail. But no Labor party can hope to maintain its position unless its proposals are, in fact, the outcome of the best political science of its time; or to fulfil its purpose unless that science is continually wresting new fields from human ignorance. Hence, although the purpose of the Labor party must, by the law of its being, remain for all time unchanged, its policy and its program will, we hope, undergo a perpetual development, as knowledge grows, and as new phases of the social problem present themselves, in a continually finer adjustment of our measures to our ends. If law is the mother of freedom, science, to the Labor party, must be the parent of law.

## 2. THE MINISTRY OF RECONSTRUCTION <sup>1</sup>

### 1. *Earlier Stages*

There have been three distinct stages in the arrangements made by the Government for dealing with

<sup>1</sup> From *The War Cabinet, Report for the Year, 1917* (Cd. 9005), pp. 199-210.

Reconstruction problems in this country, and the principles underlying the arrangements at each stage afford an interesting subject for comparison.

Until the date of the formation of the present Government the subject of Reconstruction stood referred to a Committee consisting exclusively of Ministers of the Crown who were members of the Cabinet. Attached to this body, which was not so much a Cabinet Committee temporarily established for the consideration of a particular question, as a Standing Committee constituted on the analogy of the Committee of Imperial Defense, was a small Secretariat devoting its whole time to the business of the Committee, and differing in size, in personnel, and in the nature of its functions from the staff of an administrative Department.

These differences, which were recognized from the first and have been more and more fully expressed in the successive stages of the organization, are, briefly, that those who are specifically entrusted with the consideration of Reconstruction problems must reduce to a minimum any duties in the nature of current administration which may tend to fall upon them, and must make it their primary business not so much to act themselves, as to be the cause of action by other Departments and by members of the community as a whole.

After the present Government took office, there was a period of about three months during which the Sub-Committees of the former Cabinet Committee continued their work and the permanent staff forwarded reports to the Prime Minister. The subjects dealt with were as follows:

Agricultural Policy

Demobilization of the Army

Acquisition of Powers

Coal Conservation

Aliens

Forestry

Relations between Employers and Employed

Women's Employment

But, in the light of facts which emerged in course of time, it became clear to the present Government that a Committee of Ministers was not the most perfect instrument for the work with which it had been appointed to deal. With the prolongation of the war the problems themselves expanded in every direction. The disturbance of normal industry grew more and more profound; not only were fit men of military age withdrawn in progressively increasing numbers from their normal occupation, but the free circulation of supplies of war material of every kind, of the means of transport, and of food, proved to be impossible to maintain. In one province of national life after another the Government were being compelled to regulate the course of business in the interest of the primary needs of the nation, and it followed that the problem of the return to normal conditions underwent so vast a change in scope as to become new in kind.

The action taken by the Government in March, 1917, definitely recognized the new situation and created a new authority for Reconstruction purposes. This authority was a Committee of which the Prime

Minister was Chairman and Mr. Montagu, who was at that time not a member of the Government, the Vice-Chairman and the executive head. The remaining fourteen members of the Committee were selected on the principle of entrusting to a body possessed of specialized knowledge in many branches the task of conducting a general survey of the great territory which was now seen to be their province. They included Members of Parliament who had shown a special concern with some of the problems under review; representatives of Labor, both men and women; men of standing in the world of business and finance; and men and women well versed in the social questions of the past and qualified to anticipate the developments of the future.

The Sub-Committees of the former Cabinet Committee were confirmed in their position and their work was continued and reviewed periodically by the Reconstruction Committee.

The following new Sub-Committees were appointed:

Adult Education

Civil War-Workers Demobilization

Acquisition of Land

Machinery of Government

Local Government

Ministry of Health

And, besides the subjects coming within their terms of reference, the following received special attention:

Housing

Unemployment



Physical Training  
Juvenile Employment and Apprenticeship  
The Supply of Raw Materials  
Shipping

Within certain limits which are explained below, the Committee fully satisfied the expectations which were aroused by their appointment. They were not, as Ministers of the Crown must inevitably be, primarily concerned with matters arising out of the actual conduct of the war. They had no administrative duties, but they were commissioned to anticipate the urgent difficulties of the future, and to provide in advance, as far as possible, for the ready adjustment of the machinery of government to the new tasks which would need to be put in hand without delay on the conclusion of the war. To these duties they addressed themselves by carrying out a systematic survey of the inquiries already instituted at the direction of the Committee of Ministers, and by arranging for further inquiries to be begun in relation to matters which had come to fall within the sphere of their terms of reference. They were successful in forwarding the progress of many existing inquiries, in initiating or causing to be initiated other inquiries which are now yielding fruitful results, and in securing for the Government that, subject to the modifications which time and the events of the war must always bring, no part of the province of Reconstruction should be barren for want of inquiry and attention.

## *2. Establishment of the Ministry*

But in July, 1917, the Government decided that the problems of Reconstruction had passed into a third



stage, and they proposed to Parliament to give immediate effect to their view by establishing under the New Ministries Act, 1917, a Ministry of Reconstruction, to continue for the duration of the war and for a period of two years, or less, after its conclusion. The grounds of this decision were questioned in many quarters, and it did not pass without criticism either in Parliament or the country. But the reasons for it were clear at the time, and have been greatly reinforced in the six months' experience of the working of the Department. These reasons were in part, as the establishment of the Reconstruction Committee revealed, inherent in the Constitution of the country. The Reconstruction Committee relieved already overburdened Ministers from unaided responsibility for considering Reconstruction problems. But what the Committee gained in concentration of thought it was apt to lose in motive power. A Prime Minister upon whose shoulders fell the responsibility for the conduct of the war could not personally assume a day-to-day responsibility for guiding the Reconstruction Committee's work. The position of the Vice-Chairman was not one of Ministerial responsibility, or of association with any lines of policy followed by the Government which might bear closely upon the course of events after the war. The Reconstruction Committee as an instrument of government was, therefore, wanting in provision for effective contact, either with Ministers responsible for the great Departments of State, or with the War Cabinet, from whom alone decisions on important issues could be sought.

Apart from these constitutional difficulties, the Government had throughout been aware that, as the

war continued, and its pressure upon every side of the national life increased, the intensity of the struggle in itself enhanced the importance of the Reconstruction problems which had to be faced. Parliament and the country were not slow in realizing that there was coming into existence a series of questions of the utmost importance to which answers must be found, not after, but before, the conclusion of the war, if the determinations of Parliament were to be satisfactorily translated into action.

The New Ministries Act, 1917, was, therefore, intended both to secure that there should be a Minister answerable to Parliament for the progress made in considering the various problems within his sphere, and that the machinery of government should include a Department specially equipped for this purpose and devoted solely to preparing for the difficulties of the future. In other words, the Act asserts the primary importance in relation to Reconstruction of organized thought as distinct from executive action. The country is for the first time equipped with a Department not devoted to research in the field of the physical sciences, but to research into questions of political science and to the encouragement of action on the lines of the results ascertained.

### *3. Functions of the Ministry*

The functions of the Minister of Reconstruction who assumed office in August, 1917, are defined as follows:

To consider and advise the problems which may arise out of the present war and may have to be dealt with upon its termina-

tion, and for the purposes aforesaid to institute and conduct such enquiries, prepare such schemes, and make such recommendations as he thinks fit; and the Minister of Reconstruction shall, for the purposes aforesaid, have such powers and duties of any Government Department or authority, which have been conferred by or under any statute as His Majesty may by Order in Council authorize the Minister to exercise or perform concurrently with, or in consultation with, the Government Department or authority concerned.

Two speeches made from the Treasury Bench during the progress of the Bill may be quoted as the best explanation that could be given both of the intentions of the Government in establishing the Ministry, and of the actual method of work that has been followed during the six months of its existence.

The Home Secretary said:

The functions of the Minister will, of course, not be to any substantial extent executive functions. The Department will be mainly advisory. The Minister will appoint Committees, or take over existing Committees and receive their reports. He will institute on his own initiative experiments in matters connected with his functions. He will frame schemes for after-war action or for action with a view to conditions which will arise after the war, and submit them to the War Cabinet, and he will indicate the Department by which those schemes could best be carried out. He will certainly not act in opposition to or in competition with any other Department. He will have conferred upon him certain powers now vested in other Departments of State. His powers will not be exclusive. They will not shut out the action of other Departments. They will be concurrent and will be exercised in coöperation with the other Departments. In short, it will be his duty to assist the other Departments, to provide them with information and with proposals and to help them to build a bridge which will safely carry us over from war to peace conditions.

The Solicitor-General, speaking of the case in which more than one Department is concerned in a question, said:

What happens? Each one of those Departments, approaching the problem from its own point of view and within limits proper to the Department, makes a report or draws up a memorandum. Every separate Department approaches the matter in that way, and what is needed is a coördinating mind, not specially attached to the work or to the traditions of any one of the Departments concerned, but a comprehensive coördinating mind, a fresh mind, and at the same time an authoritative mind, who will bring together the several contributions of the various specialized Departments, and out of that complicated material arrive at what? Something that then and there upon the authority of the Minister must be done? No, but at a timely and well-considered recommendation. What he is to be able to do is to make recommendations, and as a Minister, he will have access to the War Cabinet. Where, as is so often the case in these matters, it is desirable that action should be taken without delay, there will be ready means of communication with the Minister who has all the threads in his hands, and the War Cabinet will then initiate, it may be, a proposal for immediate legislation.

To express the same idea in another way—the business of the Ministry is to be acquainted with all proposals for dealing with post-war problems which are under consideration by government departments or committees, or put forward by responsible bodies or persons, to study them in their bearings upon each other, to initiate proposals for dealing with matters which are not already covered and out of all this material to build up in consultation with the other Departments for submission to the Cabinet, and ultimately to Parliament, a reasoned policy of Reconstruction in all its branches.



#### *4. Administration*

For the purposes of administration the Department has been divided into branches dealing respectively with Commerce and Production, including the supply of materials; with Finance, Shipping and Common services; with Labor and Industrial Organization; with Rural Development; with the Machinery of Government Central and Local, Health, and Education; and Housing and Internal Transport.

Further, to assist him in considering the many and varied proposals which come before him, the Minister has created an Advisory Council representative of all the leading interests concerned in Reconstruction, and it is his hope by consulting the Council freely and regularly to secure a representative consensus of opinion on any proposal which may be referred to him for advice or which may be initiated in the Department.

The Council is organized as follows:

One Section will deal with Production and Commercial Organization; one with Finance, Transport and Common Services; one with Labor and Industrial Organization; and the fourth with Social Development, including Agriculture, Education, Health and Housing.

The membership has been so arranged that in each Section all the principal interests represented on the Council should find a place; thus there are representatives of Labor on the Finance Section as well as financiers, business men as well as agriculturists on the Section dealing with Agriculture, and so on.

The Sections will have access to all the material collected in the office bearing on any subject referred



to them for advice, and on the other hand, the officials in charge of branches will attend meetings and take part in the discussions.

The proceedings will, of course, be private, since on no other conditions would it be possible to communicate freely the information which it is desirable that the Council should have. The Council will not meet for general discussion, but to deal with specific references. The first set have already been communicated; they deal with the standardization of railway equipment, the post-war rationing of industries, the establishment and functions of Trade Organizations, the organization of Rural Information Centers, the establishment of Industrial Courts, house planning from the point of view of domestic economy, the future organization of voluntary women's work, and the conditions required for maintaining a supply of efficient agricultural labor; taken together, they indicate both the wide range and the practical character of the topics to be handled.

At the beginning of the year the chief questions immediately under consideration (in all cases in coöperation with the other departments affected) are:

#### *A. Commerce and Production*

1. The Supply and Control of Raw Materials after the War, which is being investigated by a Committee.

2. Financial Facilities for British Commerce and Industry after the War. A Committee has been appointed with the concurrence of the Treasury.

3. The preservation of industries which will play an essential part in reconstruction, but are in danger

of extinction through failure of supplies of material or labor. This problem is being dealt with in consultation with the Priority Organization of the Cabinet.

4. Financial Risks attaching to the holding of Trading Stocks.

5. Trusts and Combinations, with special reference to the protection of the consumer.

6. The Establishment of New Industries after the War. A Committee has been appointed to consider this question, as far as the engineering trade is concerned; it has already compiled a preliminary list of articles which might be produced in this country, and the Minister has appointed a parallel Committee to consider the labor questions involved.

7. The volume and nature of the demand for British goods after the war.

8. Improvements in Trade Organization for the purposes of more economical production, distribution and marketing, and of facilitating and expediting the turn over from peace to war.

These last two questions are being handled in consultation with the Board of Trade and the Department of Overseas Trade and a comprehensive scheme of work has been prepared.

The Ministry of Munitions also is coöperating in obtaining information from the Controlled Establishments.

The problem may be stated thus: After the war there will be a world shortage of certain materials and the shortage will be accentuated by the difficulty of finding tonnage adequate to our demands. On the other hand, there will be an almost unlimited demand for manufactured goods.

The Ministry of Reconstruction in concert with the Board of Trade has undertaken to estimate and analyze the supply. The Board of Trade and the Department of Overseas Trade will, it is hoped, by inquiry of the trades themselves, of the Dominions, Colonies, India, and Allies and by examination of other sources of information, produce a corresponding estimate and analysis of the demand, and the results of both inquiries will be used to determine in what order demands shall be met which cannot all be met at once, in what proportion raw materials shall be directed into certain channels, in what directions the demand for Labor, Power, Tonnage and Credit is likely to be most intense, and what emergency arrangements will be required to meet it.

It is not a question of arbitrary restriction or of protecting some industries or developing others—it is a question rather of directing to the most productive purposes such materials as will in fact be available, and of furnishing industry with the necessary facilities, including information, for making those purposes effective.

The desire of the Government is to leave the industries to ration themselves under certain general principles for which the Government must take responsibility. What those principles should be and what form of central machinery should be devised for this purpose, is one of the first questions on which the Advisory Council is being asked to report.

#### *B. Finance, Shipping and Common Services*

1. In conjunction with the Treasury, a Committee has been set up to consider the question of Currency and Exchange after the war.

2. The Advisory Council on the disposal of Government Stores has begun work.

This is a matter which the Government regard as being of great importance.

The total volume of surplus property which will be on the hands of the War Departments at the end of the war will be enormous, and in dealing with it the Government have two main objects in view. The first is to protect the tax-payer from improvident selling; the second is to protect markets and therefore labor from the dislocation which will inevitably result if, for instance, some tens of thousands of motor vehicles and some hundreds of miles of wire are released for sale at once.

They have decided, therefore, to entrust the whole executive arrangements for disposal to a specially created body, which will act as salesman for any Government Department having surplus stores to dispose of.

At the same time, the general principles and policy governing any alternative form of use or disposal, for instance, whether certain goods should be sold in France or brought home; whether motor lorries should be thrown on the market or reserved for the use of public bodies for the development of agricultural transport, will be settled by the Advisory Council, for which the Minister of Reconstruction will be responsible. In other words, the Advisory Council will certify certain articles as disposable and will indicate the lines on which they are to be disposed of, and the executive body will then proceed within the limits laid down to make the best bargain for the taxpayer.



### *C. Labor and Industrial Organizations*

#### 1. Trade Organizations:

It has been agreed between the Board of Trade, the Ministry of Labor, and the Ministry of Reconstruction, that a concerted effort should be made to promote in as many industries as possible representative organizations to advise the Government as to the views and needs of the industries on the various industrial and commercial problems that will affect them during the Reconstruction period.

The creation of the organizations in question is not intended in any way to prejudice the formation of Joint Industrial Councils, but is designed as an emergency measure to facilitate the transition from war to peace conditions, and to expedite the establishment of permanent Industrial Councils and the determination of their functions.

The Ministry of Labor will, therefore, proceed with the formation of Industrial Councils, and the three Ministries will coöperate in the establishment of the interim organizations referred to. For this purpose there will be a standing Conference on Trade Organizations at the Ministry of Reconstruction, consisting of three employers, three trade unionists, and representatives of the three departments. The functions of the Conference will be:

*a.* to classify trades for the purpose of promoting representative organizations in each.

*b.* to advise as to the manner in which each trade should be approached, and the persons and existing organizations who should be consulted, and the matter to be placed before them.

The Minister of Reconstruction has decided to refer to the Industrial Section of his Advisory Council the



question of establishing corresponding organizations in engineering and railways, and at the same time of determining their functions with regard to agreements as to rates of pay, hours and working conditions. The Standing Conference will, therefore, not be asked to include these industries within their purview.

The Ministry of Reconstruction will be responsible:

1. (a) for all executive work arising out of recommendations of the Conference and the Industrial Section of the Council when approved by the Minister, including the summoning of Conferences and the preparation of statements as to the functions and constitution of the organizations which they will be invited to assist in creating, and  
 (b) for following and expediting the subsequent proceedings until the organizations are established.
2. The Whitley Committee has submitted to the Prime Minister its Reports on Unorganized Trades and Works Committees, and is completing its Report on Conciliation and Arbitration.
3. A general survey of Industrial Policy as a whole has been prepared, and the following branches are being examined in detail:
  - (a) The Law relating to Merchant Shipping
  - (b) Labor in Merchant Shipping
  - (c) War-time departures from Trade Union practices
  - (d) Industrial Courts
  - (e) Industrial Structures
  - (f) Apprenticeship
  - (g) Reinstatement of returning Soldiers and Sailors
  - (h) International Labor Legislation

4. In agreement with the other departments affected, a survey has been undertaken of Industrial Methods. As part of the inquiry, a special investigation has been made into the organization of the woolen and worsted trade, as an example of joint control, and into the arrangements made in the West Riding dyeing industry for providing security of employment. The working of the Cotton Control Board is now being investigated.
5. An inquiry is being made jointly with the Ministry of Labor into the question of Juvenile Employment.
6. The Civil War-Workers Demobilization Committee and the Women's Employment Committee are continuing their inquiries.
7. The question of Army Demobilization has, apart from a few points which still remain to be determined, passed into the executive phase and is in the hands of the War Office and Ministry of Labor. Broadly speaking, the division of functions is—the War Office is responsible for the man until he leaves the Army, and the Ministry of Labor is responsible for him until he re-enters employment.

Since demobilization must in the most favorable circumstances be a slow process and must be conducted in some order, the War Office and the Ministry of Labor will in conjunction with the Ministry of Reconstruction determine the priority of different trades on the basis of the information obtained by the Ministry, and on the general principle that the essential industries shall be served first. The results of the inquiries already referred to as to the post-

war demand for goods and the supply of materials and manufacturing facilities will be available for their guidance.

8. In order that so far as possible surplus labor may be usefully and rapidly absorbed after the war, a complete list of public works which have fallen into arrears is being prepared.
9. The special problems arising out of the work of the Ministry of Munitions are being considered by a Reconstruction Committee of that Department.

#### *D. Rural Development*

The Ministry is working, in association with the Board of Agriculture, on Land Settlement; a general survey of Agricultural Policy has been prepared, and the material is being brought together for a review of the Land question as a whole. The question of instituting an inquiry into Rating is under consideration. The following questions have received special examination:

1. The working of the Small Holdings Act, 1908, and the future of Urban War Allotments.
2. The Report of the Forestry Committee has been published and a scheme has been prepared in consultation with the departments concerned for the consideration of the Government.
3. The Rural Housing Problem.
4. The organization of County Offices for advice and information on agriculture, on which proposals are being discussed by the Advisory Council.
5. Tithe Redemption.
6. Village Industries.
7. The Land Acquisition Committee has reported.

*E. Machinery of Government, Health, Education, etc.*

1. Lord Haldane's Committee on the distribution of functions between Government Departments is continuing its inquiries and negotiations are proceeding with the Departments and outside bodies concerned with regard to the formation of a Ministry of Health.
2. The Committee on Local Government have presented a Report on the functions of Poor Law Authorities which has been published.
3. A Committee on Adult Education has been appointed and has made considerable progress.

*F. Housing and Internal Transport*

In consultation with the Departments affected, a Housing Program has been prepared for submission to the Cabinet.

With a view to facilitating work in connection with Housing the following Committees are at work:

1. The Committee on the Supply of Building Materials is collecting information from the trade as to its probable requirement in material and labor.
2. The Housing (Building Construction) Committee set up by the Local Government Board in consultation with the Minister of Reconstruction.
3. The Committee on Building By-laws.

Special investigations have been made into the following points:

1. Control of Public Utility Societies.
2. Town Planning.
3. Rings in the Building Trade.
4. The working of the Small Dwellings Acquisition Act.



A general review of the problem of Inland Transport is now being prepared. The sections dealing with Roads and Canals are completed; the Department is in consultation with the Board of Trade as to the future of the Railways (including light railways) and an inquiry has been begun into the question of Storage and Distribution as essential elements in Transport policy.

### *General*

An important part of the work of the Ministry is the examination of all proposals from a legal point of view with a view to determining what amendments of the existing law are involved. Side by side with this, the large volume of emergency enactments and orders has to be reviewed in their bearing on the immediate post-war problem and the situation that will be produced by their expiry or repeal.

### 3. THE WHITLEY REPORT

#### *Interim Report of the Reconstruction Committee on Joint Standing Industrial Councils.*<sup>1</sup>

To the Right Hon. D. LLOYD GEORGE, M. P., Prime Minister.

SIR: We have the honor to submit the following interim report on joint standing industrial councils:

<sup>1</sup>Reconstruction Committee. Sub-committee on Relations Between Employers and Employed. Interim report on joint standing industrial councils (Cd. 8606). The Right Hon. J. H. Whitley, M. P., chairman; Mr. F. S. Button, Mr. G. J. Carter, Prof. S. J. Chapman, Sir Gilbert Cloughton, Bart., Mr. J. R. Clynes, M. P., Mr. J. A. Hobson, Miss A. Susan Lawrence, Mr. J. J. Mallon, Sir Thos. R. Ratcliffe-Ellis, Mr. Robert Smillie, Mr. Allan M. Smith, Miss Mona Wilson, Mr. H. J. Wilson, Ministry of Labor, Mr. Arthur Greenwood, secretaries.



2. The terms of reference to the sub-committee are:

1. To make and consider suggestions for securing a permanent improvement in the relations between employers and workmen.
2. To recommend means for securing that industrial conditions affecting the relations between employers and workmen shall be systematically reviewed by those concerned, with a view to improving conditions in the future.

3. After a general consideration of our duties in relation to the matters referred to us, we decided first to address ourselves to the problem of establishing permanently improved relations between employers and employed in the main industries of the country, in which there exist representative organizations on both sides. The present report accordingly deals more especially with these trades. We are proceeding with the consideration of the problems connected with the industries which are less well organized.

4. We appreciate that under the pressure of the war both employers and workpeople and their organizations are very much preoccupied, but, notwithstanding, we believe it to be of the highest importance that our proposals should be put before those concerned without delay, so that employers and employed may meet in the near future and discuss the problems before them.

5. The circumstances of the present time are admitted on all sides to offer a great opportunity for securing a permanent improvement in the relations between employers and employed, while failure to utilize the opportunity may involve the nation in grave industrial difficulties at the end of the war.

It is generally allowed that the war almost enforced some reconstruction of industry, and in considering

the subjects referred to us we have kept in view the need for securing in the development of reconstruction the largest possible measure of coöperation between employers and employed.

In the interests of the community it is vital that after the war the coöperation of all classes, established during the war, should continue, and more especially with regard to the relations between employers and employed. For securing improvement in the latter, it is essential that any proposals put forward should offer to workpeople the means of attaining improved conditions of employment and a higher standard of comfort generally, and involve the enlistment of their active and continuous coöperation in the promotion of industry.

To this end, the establishment for each industry of an organization, representative of employers and workpeople, to have as its object the regular consideration of matters affecting the progress and well-being of the trade from the point of view of all those engaged in it, so far as this is consistent with the general interest of the community, appears to us necessary.

6. Many complicated problems have arisen during the war which have a bearing both on employers and workpeople, and may affect the relations between them. It is clear that industrial conditions will need careful handling if grave difficulties and strained relations are to be avoided after the war has ended. The precise nature of the problems to be faced naturally varies from industry to industry, and even from branch to branch within the same industry. Their treatment consequently will need an intimate knowledge of the facts and circumstances of each trade,

and such knowledge is to be found only among those directly connected with the trade.

7. With a view to providing means for carrying out the policy outlined above, we recommend that His Majesty's Government should propose without delay to the various associations of employers and employed the formation of joint standing industrial councils in the several industries, where they do not already exist, composed of representatives of employers and employed, regard being paid to the various sections of the industry and the various classes of labor engaged.

8. The appointment of a chairman or chairmen should, we think, be left to the council who may decide that these should be—

1. A chairman for each side of the council;
2. A chairman and vice-chairman selected from the members of the council (one from each side of the council);
3. A chairman chosen by the council from independent persons outside the industry; or
4. A chairman nominated by such person or authority as the council may determine or, failing agreement, by the Government.

9. The council should meet at regular and frequent intervals.

10. The objects to which the consideration of the councils should be directed should be appropriate matters affecting the several industries and particularly the establishment of a closer coöperation between employers and employed. Questions connected with demobilization will call for early attention.

11. One of the chief factors in the problem, as it at first presents itself, consists of the guaranties given by the Government, with parliamentary sanction,

and the various undertakings entered into by employers, to restore the trade-union rules and customs suspended during the war. While this does not mean that all the lessons learned during the war should be ignored, it does mean that the definite coöperation and acquiescence by both employers and employed must be a condition of any setting aside of these guaranties or undertakings, and that, if new arrangements are to be reached, in themselves more satisfactory to all parties but not in strict accordance with the guaranties, they must be the joint work of employers and employed.

12. The matters to be considered by the councils must inevitably differ widely from industry to industry, as different circumstances and conditions call for different treatment, but we are of opinion that the suggestions set forth below ought to be taken into account, subject to such modification in each case as may serve to adapt them to the needs of the various industries.

13. In the well-organized industries, one of the first questions to be considered should be the establishment of local and works organizations to supplement and make more effective the work of the central bodies. It is not enough to secure coöperation at the center between the national organizations; it is equally necessary to enlist the activity and support of employers and employed in the districts and in individual establishments. The national industrial council should not be regarded as complete in itself; what is needed is a triple organization—in the workshops, the districts, and nationally. Moreover, it is essential that the organization at each of these three stages should proceed on a common principle, and that the



greatest measure of common action between them should be secured.

14. With this end in view, we are of opinion that the following proposals should be laid before the national industrial councils:

*a.* That district councils, representative of the trade-unions and of the employers' associations in the industry, should be created, or developed out of the existing machinery for negotiation in the various trades.

*b.* That works committees, representative of the management and of the workers employed, should be instituted in particular works to act in close coöperation with the district and national machinery.

As it is of the highest importance that the scheme making provision for these committees should be such as to secure the support of the trade-unions and employers' associations concerned, its design should be a matter for agreement between these organizations.

Just as regular meetings and continuity of coöperation are essential in the case of the national industrial councils, so they seem to be necessary in the case of the district and works organizations. The object is to secure coöperation by granting to workpeople a greater share in the consideration of matters affecting their industry, and this can only be achieved by keeping employers and workpeople in constant touch.

15. The respective functions of works committees, district councils, and national councils will no doubt require to be determined separately in accordance with the varying conditions of different industries. Care will need to be taken in each case to delimit accurately their respective functions, in order to avoid overlapping and resulting friction. For instance, where con-



ditions of employment are determined by national agreements, the district councils or works committees should not be allowed to contract out of conditions so laid down, nor, where conditions are determined by local agreements, should such power be allowed to works committees.

16. Among the questions with which it is suggested that the national councils should deal or allocate to district councils or works committees the following may be selected for special mention:

1. The better utilization of the practical knowledge and experience of the workpeople.
2. Means for securing to the workpeople a greater share in and responsibility for the determination and observance of the conditions under which their work is carried on.
3. The settlement of the general principles governing the conditions of employment, including the methods of fixing, paying, and readjusting wages, having regard to the need for securing to the workpeople a share in the increased prosperity of the industry.
4. The establishment of regular methods of negotiation for issues arising between employers and workpeople, with a view both to the prevention of differences, and to their better adjustment when they appear.
5. Means of insuring to the workpeople the greatest possible security of earnings and employment, without undue restriction upon change of occupation or employer.
6. Methods of fixing and adjusting earnings, piece-work prices, etc., and of dealing with the many difficulties which arise with regard to the method

and amount of payment apart from the fixing of general standard rates, which are already covered by paragraph 3.

7. Technical education and training.
8. Industrial research and the full utilization of its results.
9. The provision of facilities for the full consideration and utilization of inventions and improvements designed by workpeople, and for the adequate safeguarding of the rights of the designers of such improvements.
10. Improvements of processes, machinery and organization and appropriate questions relating to management and the examination of industrial experiments, with special reference to coöperation in carrying new ideas into effect and full consideration of the workpeople's point of view in relation to them.
11. Proposed legislation affecting the industry.

17. The methods by which the functions of the proposed councils should be correlated to those of joint bodies in the different districts, and in the various works within the districts, must necessarily vary according to the trade. It may, therefore, be the best policy to leave it to the trades themselves to formulate schemes suitable to their special circumstances, it being understood that it is essential to secure in each industry the fullest measure of coöperation between employers and employed, both generally, through the national councils, and specifically, through district committees and workshop committees.

18. It would seem advisable that the Government should put the proposals relating to national industrial councils before the employers' and workpeople's asso-

ciations and request them to adopt such measures as are needful for their establishment where they do not already exist. Suitable steps should also be taken, at the proper time, to put the matter before the general public.

19. In forwarding the proposals to the parties concerned, we think the Government should offer to be represented in an advisory capacity at the preliminary meetings of a council, if the parties so desire. We are also of opinion that the Government should undertake to supply to the various councils such information on industrial subjects as may be available and likely to prove of value.

20. It has been suggested that means must be devised to safeguard the interests of the community against possible action of an anti-social character on the part of the councils. We have, however, here assumed that the councils, in their work of promoting the interests of their own industries, will have regard for the national interest. If they fulfill their functions they will be the best builders of national prosperity. The State never parts with its inherent overriding power, but such power may be least needed when least obtruded.

21. It appears to us that it may be desirable at some later stage for the State to give the sanction of law to agreements made by the councils, but the initiative in this direction should come from the councils themselves.

22. The plans sketched in the foregoing paragraphs are applicable in the form in which they are given only to industries in which there are responsible associations of employers and workpeople which can claim to be fairly representative. The case of the less well-organized trades or sections of a trade necessarily needs

further consideration. We hope to be in a position shortly to put forward recommendations that will prepare the way for the active utilization in these trades of the same practical coöperation as is foreshadowed in the proposals made above for the more highly organized trades.

23. It may be desirable to state here our considered opinion that an essential condition of securing a permanent improvement in the relations between employers and employed is that there should be adequate organization on the part of both employers and workpeople. The proposals outlined for joint coöperation throughout the several industries depend for their ultimate success upon there being such organization on both sides; and such organization is necessary also to provide means whereby the arrangements and agreements made for the industry may be effectively carried out.

24. We have thought it well to refrain from making suggestions or offering opinions with regard to such matters as profit-sharing, copartnership, or particular systems of wages, etc. It would be impracticable for us to make any useful general recommendations on such matters, having regard to the varying conditions in different trades. We are convinced, moreover, that a permanent improvement in the relations between employers and employed must be founded upon something other than a cash basis. What is wanted is that the workpeople should have a greater opportunity of participating in the discussion about and adjustment of those parts of industry by which they are most affected.

25. The schemes recommended in this report are intended not merely for the treatment of industrial problems when they have become acute, but also,

and more especially, to prevent their becoming acute. We believe that regular meetings to discuss industrial questions, apart from and prior to any differences with regard to them that may have begun to cause friction, will materially reduce the number of occasions on which, in the view of either employers or employed, it is necessary to contemplate recourse to a stoppage of work.

26. We venture to hope that representative men in each industry, with pride in their calling and care for its place as a contributor to the national well-being, will come together in the manner here suggested, and apply themselves to promoting industrial harmony and efficiency and removing the obstacles that have hitherto stood in the way.

We have the honor to be, sir,

Your obedient servants,

J. H. WHITLEY, *Chairman*

F. S. BUTTON

GEO. J. CARTER

S. J. CHAPMAN

G. H. CLAUGHTON

J. R. CLYNES

J. A. HOBSON

A. SUSAN LAWRENCE

J. J. MALLON

THOS. R. RATCLIFFE-ELLIS

ROBT. SMILLIE

ALLAN M. SMITH

MONA WILSON

H. J. WILSON

ARTHUR GREENWOOD

*Secretaries*

March 8, 1917



*Appendix to the Whitley Report*

The following questions were addressed by the reconstruction committee to the subcommittee on the relations between employers and employed in order to make clear certain points which appeared to call for further elucidation. The answers given are subjoined.

*Q. 1. In what classes of industries does the interim report propose that industrial councils shall be established? What basis of classification has the subcommittee in view?*

*A. 1.* It has been suggested that, for the purpose of considering the establishment of industrial councils, or other bodies designed to assist in the improvement of relations between employers and employed, the various industries should be grouped into three classes: (a) industries in which organization on the part of employers and employed is sufficiently developed to render the councils representative; (b) industries in which either as regards employers and employed, or both, the degree of organization, though considerable, is less marked than in (a) and is insufficient to be regarded as representative; and (c) industries in which organization is so imperfect, either as regards employers or employed, or both, that no associations can be said adequately to represent those engaged in the trade.

It will be clear that an analysis of industries will show a number which are on the border lines between these groups, and special consideration will have to be given to such trades. So far as groups (a) and (c) are concerned, a fairly large number of trades can readily be assigned to them; group (b) is necessarily more indeterminate.

For trades in group (a) the committee have proposed the establishment of joint standing industrial councils in the several trades. In dealing with the various industries it may be necessary to consider specially the case of parts of industries in group (a) where organization is not fully developed.

Q. 2. *Is the machinery proposed intended to be in addition to or in substitution for existing machinery? Is it proposed that existing machinery should be superseded? By "existing machinery" is meant conciliation boards and all other organizations for joint conference and discussion between employers and employed.*

A. 2. In most organized trades there already exist joint bodies for particular purposes. It is not proposed that the industrial councils should necessarily disturb these existing bodies. A council would be free, if it chose and if the bodies concerned approved, to merge existing committees, etc., in the council or to link them with the council as subcommittees.

Q. 3. *Is it understood that membership of the councils is to be confined to representatives elected by employers' associations and trade-unions? What is the view of the subcommittee regarding the entry of new organizations established after the councils have been set up?*

A. 3. It is intended that the councils should be composed only of representatives of trade-unions and employers' associations, and that new organizations should be admitted only with the approval of the particular side of the council of which the organization would form a part.

Q. 4. (a) *Is it intended that decisions reached by the councils shall be binding upon the bodies comprising them? If so, is such binding effect to be conditional upon the consent of each employers' association or trade-union affected?*

A. 4. (a) It is contemplated that agreements reached by industrial councils should (whilst not of course possessing the binding force of law) carry with them the same obligation of observance as exists in the case of other agreements between employers' associations and trade-unions. A council, being on its workmen's side based on the trade-unions concerned in the industry, its powers or authority could only be such as the constituent trade-unions freely agreed to.

Q. 4. (b) *In particular, is it intended that all pledges given either by the Government or employers for the restoration of trade-union rules and practices after the war shall be redeemed without qualification unless the particular trade-union concerned agrees to alteration; or, on the contrary, that the industrial council shall have power to decide such question by a majority vote of the workmen's representatives from all the trade-unions in the industry?*

A. 4. (b) It is clearly intended that all pledges relating to the restoration of trade-union rules shall be redeemed without qualification unless the particular trade-union concerned agrees to alteration; and it is not intended that the council shall have power to decide such questions by a majority vote of the workmen's representatives from all the trade-unions in the industry.

#### 4. SECRETARY LANE'S LETTER <sup>2</sup>

The Secretary of the Interior, Washington

My dear Mr. Osborne:

I believe the time has come when we should give thought to the preparation of plans for providing

<sup>2</sup> From *The Congressional Record*, November 12, 1918, p. 12638; see Secretary Lane's annual report (1918) for some important observations on reconstruction.

opportunity for our soldiers returning from the war. Because this department has handled similar problems, I consider it my duty to bring this matter to the attention of yourself and Congress.

Every country has found itself face to face with this situation at the close of a great war. From Rome under Cæsar to France under Napoleon down to our own Civil War the problem arose as to what could be done with the soldiers to be mustered out of military service. .

At the close of the Civil War America faced a somewhat similar situation. But fortunately at that time the public domain offered opportunity to the home-returning soldiers. The great part the veterans of that war played in developing the West is one of our epics. The homestead law had been signed by Lincoln in the second year of the war, so that out of our wealth in lands we had farms to offer the million of veterans. It was also the era of transcontinental railway construction. It was likewise the period of rapid, yet broad and full, development of towns and communities and States.

To the great number of returning soldiers land will offer the great and fundamental opportunity. The experience of wars points out the lesson that our service men, because of army life, with its openness and activity, will largely seek out-of-doors vocations and occupations. This fact is accepted by the allied European nations. That is why their programs and policies of relocating and readjustment emphasize the opportunities on the land for the returning soldier. The question, then, is, "What land can be made available for farm homes for our soldiers?"



We do not have the bountiful public domain of the sixties and seventies. In a literal sense for the use of it on a generous scale for soldier farm homes as in the sixties "the public domain is gone." The official figures at the end of the fiscal year, June 30, 1917, show this: We have unappropriated land in the continental United States to the amount of 230,657,755 acres. It is safe to say that not one-half of this land will ever prove to be cultivable in any sense. So we have no land in any way comparable to that in the public domain when Appomattox came, and men turned westward with army rifle and "roll blanket" to begin life anew.

While we do not have this matchless public domain of '65, we do have millions of acres of undeveloped lands that can be made available for our home-coming soldiers. We have arid lands in the West; cut-over lands in the Northwest, Lake States, and South; and also swamp lands in the Middle West and South, which can be made available through the proper development. Much of this land can be made suitable for farm homes if properly handled. But it will require that each type of land be dealt with in its own particular fashion. The arid land will require water, the cut-over land will require clearing, and the swamp land must be drained. Without any of these aids they remain largely "No man's land." The solution of these problems is no new thing. In the admirable achievement of the Reclamation Service in reclamation and drainage we have abundant proof of what can be done.

Looking toward the construction of additional projects, I am glad to say that plans and investigations have been under way for some time. A survey and study has been in the course of consummation by



the Reclamation Service on the Great Colorado Basin. That great project, I believe, will appeal to the new spirit of America. It would seem the conquest of an empire in the Southwest. It is believed that more than 3,000,000 of acres of arid land could be reclaimed by the completion of the upper and lower Colorado Basin projects.

It has been officially estimated that more than 15,000,000 acres of irrigable land now remain in the Government's hands. This is the great remaining storehouse of Government land for reclamation. Under what policy and program millions of these acres could be reclaimed for future farms and homes remains for legislation to determine. The amount of swamp and cut-over lands in the United States that can be made available for farming is extensive. Just how much there is has never been determined with any degree of accuracy. Practically all of it has passed into private ownership. For that reason in considering its use it would be necessary to work out a policy between the private owners and the Government unless the land was purchased. It has been estimated that the total area of swamp and overflowed lands in the United States is between 70,000,000 and 80,000,000 acres. Of this amount, it is stated that about "60,000,000 acres can be reclaimed and made profitable for agriculture." The undeveloped swamp lands lie chiefly in Florida, in the States along the Atlantic and Gulf coasts, in the Mississippi Delta, and in Missouri, Indiana, Michigan, Minnesota, Wisconsin, and California.

What amount of land in its natural state unfit for farm houses can be made suitable for cultivation by drainage only thorough surveys and studies can de-

velop. We know that authentic figures show that more than 15,000,000 acres have been reclaimed for profitable farming, most of which lies in the Mississippi River Valley.

The amount of cut-over lands in the United States, of course, it is impossible even in approximation to estimate. These lands, however, lie largely in the South Atlantic and Gulf States, the Lake States, and the Northwestern States. A rough estimate of their number is about 200,000,000 acres—that is, of land suitable for agricultural development. Substantially all this cut-over or logged-off land is in private ownership. The failure of this land to be developed is largely due to inadequate method of approach. Unless a new policy of development is worked out in coöperation between the Federal Government, the States, and the individual owners, a greater part of it will remain unsettled and uncultivated. The undeveloped cut-over lands lie chiefly in the Pacific Northwest (particularly in Washington and Oregon), in the Lake States (Minnesota, Michigan, and Wisconsin), and in the South Atlantic and Gulf coastal States (Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas).

Any plan for the development of land for the returning soldier will come face to face with the fact that a new policy will have to meet the new conditions. The era of free or cheap land in the United States has passed. We must meet the new conditions of developing lands in advance. Security must to a degree displace speculation. Some of the defects in our old system have been described by Dr. Elwood Mead in these words:

"Science [should] have gone hand in hand with the settlement of the arid and semi-arid country, and all that science could give would have been utilized, first, in the creation of the conditions of settlement and then in aiding the settler in difficult tasks. Because nothing was done, these heroic but uninformed souls were bedeviled by the winds, cold, drought, and insect pests. They wasted their efforts, lost their hopes and ambitions, and a tragic percentage left, impoverished and embittered. The tragic part of this history is that nearly all this suffering and loss could have been avoided under a carefully thought out plan of development."

There are certain tendencies which we ought to face frankly in our consideration of a policy for land to the home-coming soldier: First, the drift to farm tenancy. The experience of the world shows without question that the happiest people, the best farms, and the soundest political conditions are found where the farmer owns the home and the farm lands. The growth of tenancy in America shows an increase of 32 per cent. for the 20 years between 1890 and 1910. Second, the drift to urban life. In 1880, of the total population of the United States 29.5 per cent. of our people resided in cities and 70.5 per cent. in the country. At the census of 1910, 46.3 per cent. resided in cities and 53.7 per cent. remained in the country. It is evident that since the war in Europe there has been a decided increase in the trend toward the city because of industrial conditions. The adoption by the United States of new policies in its land development plans for returning veterans will also contribute to the amelioration of these two dangers to American life.

A plan of land development whereby land is developed in large areas, subdivided into individual farms, then sold to actual, bona fide farmers on a small-payment basis, has been in force not only in the United States under the reclamation act but also in many other countries for several years. It has proved a distinct success. In Denmark, Ireland, New Zealand, and the Australian Commonwealth it has completely changed the land situation. One of the new features of this plan is that holders are aided in improving and cultivating the farm. In a word, there is organized community development. Its beneficial results have been well described by the Canadian commission which was appointed to investigate its results in New Zealand in these words:

“ . . . The farmers have built better houses or remodeled their old ones, brought a larger acreage of land under cultivation that would otherwise be lying idle; have bought and kept better live stock; have bought and used more labor-saving machinery on the farms and in the houses. . . . They keep more sheep and pigs and have so largely increased the revenue from their farms that they are able to meet the payments on the mortgages and to adopt a higher standard of living and a better one. Throughout the country a higher and better civilization is gradually being evolved; the young men and women who are growing up are happy and contented to remain at home on the farm and find ample time and opportunity for recreation and entertainment of a kind more wholesome and elevating than can be obtained in the cities.”

It may be said that this country, outside of Alaska, has no frontier today. Of course, Alaska will still offer



opportunity for a pioneer life; and of course Alaska likewise has yet unknown remarkable agricultural possibilities; but unless we make possible the development of this land by the men who desire their life in that field we will lose a great national opportunity.

This is an immediate duty. It will be too late to plan for these things when the war is over. Our thought now should be given to the problem. And I therefore desire to bring to your mind the wisdom of immediately supplying the Interior Department with a sufficient fund with which to make the necessary surveys and studies. 'We should know by the time the war ends not merely how much arid land can be irrigated, nor how much swamp land reclaimed, nor where the grazing land is and how many cattle it will support, nor how much cut-over land can be cleared, but we should know with definiteness where it is practicable to begin new irrigation projects, what the character of the land is, what the nature of the improvements needed will be, and what the cost will be. We should know also, not in a general way but with particularity, what definite areas of swamp land may be reclaimed, how they can be drained, what the cost of the drainage will be, what crops they will raise. We should have in mind specific areas of grazing lands, with a knowledge of the cattle which are best adapted to them, and the practicability of supporting a family upon them. We should know what it would cost to pull or "blow out" stumps and to put the lands into condition for a farm home.

And all this should be done under a definite planning basis. We should think as carefully of each one of these projects as George Washington thought of the



planning of the city of Washington. We should know what it will cost to buy these lands if they are in private hands. In short, at the conclusion of the war the United States should be able to say to its returned soldiers: "If you wish to go upon a farm, here are a variety of farms of which you may take your pick which the Government has prepared against the time of your returning." I do not mean by this to carry the implication that we should do no other work now than the work of planning. A very small sum of money put into the hands of men of thought, experience, and vision will give us a program which will make us feel entirely confident that we are not to be submerged industrially or otherwise by labor which we will not be able to absorb, or that we would be in a condition where we would show a lack of respect for those who return as heroes, but who will be without means of immediate self-support.

A million or two dollars, if appropriated now, will put this work well under way.

This plan does not contemplate anything like charity to the soldier. He is not to be given a bounty. He is not to be made to feel that he is a dependent. On the contrary, he is to continue in a sense in the service of the Government. Instead of destroying our enemies he is to develop our resources.

The work that is to be done other than the planning should be done by the soldier himself. The dam or the irrigation project should be built by him; the canals, the ditches, the breaking of the land, and the building of the houses should, under proper direction, be his occupation. He should be allowed to make his own home, cared for while he is doing it, and given an interest in the land for which he can pay through a

long period of years, perhaps 30 or 40 years. This same policy can be carried out as to the other classes of land. So that the soldier on his return would have an opportunity to make a home for himself, to build a home with money which we would advance and which he would repay, and for the repayment we would have an abundant security. The farms should not be turned over as the prairies were—unbroken, unfenced, without accommodations for men or animals. There should be prepared homes, all of which can be constructed by the men themselves and paid for by them under a system of simple division by which modern methods of finance will be applied to their needs.

As I have indicated, this is not a mere Utopian vision. It is, with slight variations, a policy which other countries are pursuing successfully. The plan is simple. I will undertake to present to the Congress definite projects for the development of this country through the use of the returned soldier by which the United States, lending its credit, may increase its resources and its population and the happiness of its people with a cost to itself of no more than the few hundred thousand dollars that it will take to study this problem through competent men. This work should not be postponed.

Cordially yours,

FRANKLIN K. LANE

Hon. HENRY Z. OSBORNE,  
House of Representatives

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# INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

THE LEAGUE OF NATIONS

Proposed Constitution of the League of Nations  
Speeches delivered before the Peace Conference by  
Members of the Commission on the  
League of Nations

Addresses delivered by President Wilson in Boston  
February 24, 1919, and in New York, March 4, 1919



MARCH, 1919

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY



## I

PROPOSED CONSTITUTION OF THE  
LEAGUE OF NATIONS

Reprinted from *The New York Times*, February 15, 1919, with corrections from an official text.

Following is the text of the covenant and draft of the Constitution of the League of Nations as read by President Wilson to the plenary session of the Peace Conference today [February 14, 1919]:

## COVENANT

**PREAMBLE.** *In order to promote international coöperation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the powers signatory to this covenant adopt this constitution of the League of Nations:*

*Article I*

The action of the high contracting parties under the terms of this covenant shall be effected through the instrumentality of meetings of a body of delegates representing the high contracting parties, of meetings

at more frequent intervals of an Executive Council, and of a permanent international secretariat to be established at the seat of the League.

### *Article II*

Meetings of the body of delegates shall be held at stated intervals and from time to time, as occasion may require, for the purpose of dealing with matters within the sphere of action of the League. Meetings of the body of delegates shall be held at the seat of the League, or at such other places as may be found convenient, and shall consist of representatives of the high contracting parties. Each of the high contracting parties shall have one vote, but may have not more than three representatives.

### *Article III*

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States, members of the League. The selection of these four States shall be made by the body of delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of ———— shall be members of the Executive Council.

Meetings of the council shall be held from time to time as occasion may require, and at least once a year, at whatever place may be decided on, or, failing any such decision, at the seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any power to attend a meeting of the council, at which such matters directly affecting its interests are to be discussed, and no decision taken at any meeting will be binding on such power unless so invited.

#### *Article IV*

All matters of procedure at meetings of the body of delegates or the Executive Council, including the appointment of committees to investigate particular matters, shall be regulated by the body of delegates or the Executive Council, and may be decided by a majority of the States represented at the meeting.

The first meeting of the body of delegates and of the Executive Council shall be summoned by the President of the United States of America.

#### *Article V*

The permanent secretariat of the League shall be established at ———, which shall constitute the seat of the League. The secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary General of the League, who shall be chosen by the Executive Council. The secretariat shall be appointed by the Secretary General subject to confirmation by the Executive Council.

The Secretary General shall act in that capacity at all meetings of the body of delegates or of the Executive Council.

The expenses of the secretariat shall be borne by the States members of the League, in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.



*Article VI*

Representatives of the high contracting parties and officials of the League, when engaged on the business of the League, shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials, or by representatives attending its meetings, shall enjoy the benefits of extra-territoriality.

*Article VII*

Admission to the League of States, not signatories to the covenant and not named in the protocol hereto as States to be invited to adhere to the covenant, requires the assent of not less than two-thirds of the States represented in the body of delegates, and shall be limited to fully self-governing countries, including dominions and colonies.

No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

*Article VIII*

The high contracting parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety, and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State, and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the con-

sideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

The high contracting parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The high contracting parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to war-like purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programs.

### *Article IX*

A permanent commission shall be constituted to advise the League on the execution of the provisions of Article VIII and on military and naval questions generally.

### *Article X*

The high contracting parties shall undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression, or in case of any threat or

danger of such aggression, the Executive Council shall advise upon the means by which the obligation shall be fulfilled.

### *Article XI*

Any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the League, and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the high contracting parties to draw the attention of the body of delegates or of the Executive Council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

### *Article XII*

The high contracting parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council, and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case, under this article the award of the arbitrators shall be made within a reasonable time,

and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

### *Article XIII*

The high contracting parties agree that whenever any dispute or difficulty shall arise between them, which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole matter to arbitration. For this purpose the court of arbitration to which the case is referred shall be the court agreed on by the parties or stipulated in any convention existing between them. The high contracting parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award the Executive Council shall propose what steps can best be taken to give effect thereto.

### *Article XIV*

The Executive Council shall formulate plans for the establishment of a permanent court of international justice, and this court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing article.

### *Article XV*

If there should arise between States members of the League any dispute likely to lead to rupture, which is not submitted to arbitration as above, the high contracting parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice of the existence of the dispute



to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the council shall be published, setting forth with all necessary facts and explanations the recommendation which the council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the council other than the parties to the dispute, the high contracting parties agree that they will not go to war with any party which complies with the recommendation, and that, if any party shall refuse so to comply, the council shall propose measures necessary to give effect to the recommendation. If no such unanimous report can be made it shall be the duty of the majority and the privilege of the minority to issue statements, indicating what they believe to be the facts, and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this article refer the dispute to the body of delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In a case referred to the body of dele-



gates, all the provisions of this article, and of Article XII, relating to the action and powers of the Executive Council, shall apply to the action and powers of the body of delegates.

### *Article XVI*

Should any of the high contracting parties break or disregard its covenants under Article XII, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The high contracting parties agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State and that they will afford passage through their territory to the forces of any of the high contracting parties who are coöperating to protect the covenants of the League.

*Article XVII*

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the high contracting parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article XII, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of membership in the League for the purpose of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

*Article XVIII*

The high contracting parties agree that the League shall be intrusted with general supervision of the

trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

### *Article XIX*

To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations, who by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as Southwest Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as integral portions thereof, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory state shall, if not previously agreed upon by the high contracting parties in each case, be explicitly defined by the Executive Council in a special act or charter.

The high contracting parties further agree to establish at the seat of the League a mandatory commission to receive and examine the annual reports of the man-



datory powers, and to assist the League in insuring the observance of the terms of all mandates.

#### *Article XX*

The high contracting parties will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organization of the League a permanent bureau of labor.

#### *Article XXI*

The high contracting parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

#### *Article XXII*

The high contracting parties agree to place under the control of the League all international bureaus already established by general treaties, if the parties to such treaties consent. Furthermore, they agree that all such international bureaus to be constituted in future shall be placed under the control of the League.

#### *Article XXIII*

The high contracting parties agree that every treaty or international engagement entered into hereafter by any State member of the League shall be



forthwith registered with the Secretary General and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

*Article XXIV*

It shall be the right of the body of delegates from time to time to advise the reconsideration by States members of the League of treaties which have become inapplicable and of international conditions of which the continuance may endanger the peace of the world.

*Article XXV*

The high contracting parties severally agree that the present covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this covenant, have undertaken any obligations which are inconsistent with the terms of this covenant, it shall be the duty of such power to take immediate steps to procure its release from such obligations.

*Article XXVI*

Amendments to this covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the body of delegates.

## II

Speech Delivered by President Wilson before the Peace Conference at the reading of the draft of the Constitution of the League of Nations.

Reprinted from *The New York Times*, February 15, 1919.

"Mr. Chairman: I have the honor, and assume it a very great privilege, of reporting in the name of the commission constituted by this conference on the formulation of a plan for the League of Nations. I am happy to say that it is a unanimous report, a unanimous report from the representatives of fourteen nations—the United States, Great Britain, France, Italy, Japan, Belgium, Brazil, China, Czechoslovakia, Greece, Poland, Portugal, Rumania, and Serbia.

I think it will be serviceable and interesting if I, with your permission, read the document, as the only report we have to make."

President Wilson then read the draft. When he reached Article XV, and had read through the second paragraph, the President paused and said:

"I pause to point out that a misconception might arise in connection with one of the sentences I have just read—'If any party shall refuse to comply, the council shall propose measures necessary to give effect to the recommendations'.

"A case in point, a purely hypothetical case, is this: Suppose there is in the possession of a particular

power a piece of territory, or some other substantial thing in dispute, to which it is claimed that it is not entitled. Suppose that the matter is submitted to the Executive Council for recommendation as to the settlement of the dispute, diplomacy having failed, and suppose that the decision is in favor of the party which claims the subject-matter of dispute, as against the party which has the subject-matter in dispute.

"Then, if the party in possession of the subject-matter in dispute merely sits still and does nothing, it has accepted the decision of the council in the sense that it makes no resistance, but something must be done to see that it surrenders the subject-matter in dispute.

"In such a case, the only case contemplated, it is provided that the Executive Council may then consider what steps will be necessary to oblige the party against whom judgment has been given to comply with the decisions of the council."

After having read Article XIX, President Wilson also stopped and said:

"Let me say that before being embodied in this document this was the subject-matter of a very careful discussion by representatives of the five greater parties, and that their unanimous conclusion is the matter embodied in this article."

After having read the entire document, President Wilson continued as follows:

"It gives me pleasure to add to this formal reading of the result of our labors that the character of the discussion which occurred at the sittings of the commission was not only of the most constructive but of the most encouraging sort. It was obvious throughout our discussions that, although there were subjects

upon which there were individual differences of judgment with regard to the method by which our objects should be obtained, there was [were?] practically at no point any serious differences of opinion or motive as to the objects which we were seeking.

"Indeed, while these debates were not made the opportunity for the expression of enthusiasm and sentiment, I think the other members of the commission will agree with me that there was an undertone of high respect and of enthusiasm for the thing we were trying to do, which was heartening throughout every meeting, because we felt that in a way this conference did intrust unto us the expression of one of its highest and most important purposes, to see to it that the concord of the world in the future with regard to the objects of justice should not be subject to doubt or uncertainty, that the coöperation of the great body of nations should be assured in the maintenance of peace upon terms of honor and of international obligations.

"The compulsion of that task was constantly upon us, and at no point was there shown the slightest desire to do anything but suggest the best means to accomplish that great object. There is very great significance, therefore, in the fact that the result was reached unanimously.

"Fourteen nations were represented, among them all of those powers which for convenience we have called the great powers, and among the rest a representation of the greatest variety of circumstances and interests. So that I think we are justified in saying that the significance of the result, therefore, has the deepest of all meanings, the union of wills in a common purpose, a union of wills which cannot be resisted,

and which, I dare say, no nation will run the risk of attempting to resist.

"Now as to the character of the document. While it has consumed some time to read this document, I think you will see at once that it is very simple, and in nothing so simple as in the structure which it suggests for a League of Nations—a body of delegates, an Executive Council, and a permanent secretariat.

"When it came to the question of determining the character of the representation in the body of delegates, we were all aware of a feeling which is current throughout the world. Inasmuch as I am stating it in the presence of the official representatives of the various governments here present, including myself, I may say that there is a universal feeling that the world cannot rest satisfied with merely official guidance. There has reached us through many channels the feeling that if the deliberating body of the League of Nations was merely to be a body of officials representing the various Governments, the peoples of the world would not be sure that some of the mistakes which preoccupied officials had admittedly made might not be repeated.

"It was impossible to conceive a method or an assembly so large and various as to be really representative of the great body of the peoples of the world, because, as I roughly reckon it, we represent, as we sit around this table, more than twelve hundred million people. You cannot have a representative of twelve hundred million people, but if you leave it to each government to have, if it pleases, one or two or three representatives, though only with a single vote, it may vary its representation from time to



time, not only, but it may [originate] the choice of its several representatives. [Wireless here unintelligible.]

"Therefore, we thought that this was a proper and a very prudent concession to the practically universal opinion of plain men everywhere that they wanted the door left open to a variety of representation, instead of being confined to a single official body with which they could or might not find themselves in sympathy.

"And you will notice that this body has unlimited rights of discussion—I mean of discussion of anything that falls within the field of international relations—and that it is especially agreed that war or international misunderstandings, or anything that may lead to friction or trouble, is everybody's business, because it may affect the peace of the world.

"And in order to safeguard the popular power so far as we could of this representative body, it is provided, you will notice, that when a subject is submitted, it is not to arbitration, but to discussion by the Executive Council. It can, upon the initiative of either of the parties to the dispute, be drawn out of the Executive Council into the larger forum of the general body of delegates, because through this instrument we are depending primarily and chiefly upon one great force, and this is the moral force of the public opinion of the world—the pleasing and clarifying and compelling influences of publicity, so that intrigues can no longer have their coverts, so that designs that are sinister can at any time be drawn into the open, so that those things that are destroyed by the light may be promptly destroyed by the overwhelming light of the universal expression of the condemnation of the world.

"Armed force is in the background in this program, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall. But that is the last resort, because this is intended as a constitution of peace, not as a league of war.

"The simplicity of the document seems to me to be one of its chief virtues, because, speaking for myself, I was unable to see the variety of circumstances with which this League would have to deal. I was unable, therefore, to plan all the machinery that might be necessary to meet the differing and unexpected contingencies. Therefore, I should say of this document that it is not a straitjacket, but a vehicle of life.

"A living thing is born, and we must see to it what clothes we put on it. It is not a vehicle of power, but a vehicle in which power may be varied at the discretion of those who exercise it and in accordance with the changing circumstances of the time. And yet, while it is elastic, while it is general in its terms, it is definite in the one thing that we were called upon to make definite. It is a definite guarantee of peace. It is a definite guarantee by word against aggression. It is a definite guarantee against the things which have just come near bringing the whole structure of civilization into ruin.

"Its purposes do not for a moment lie vague. Its purposes are declared, and its powers are unmistakable. It is not in contemplation that this should be merely a league to secure the peace of the world. It is a league which can be used for coöperation in any international matter. That is the significance of the provision introduced concerning labor. There are many ameliorations of labor conditions which can be

effected by conference and discussion. I anticipate that there will be a very great usefulness in the Bureau of Labor which it is contemplated shall be set up by the League. Men and women and children who work have been in the background through long ages, and sometimes seemed to be forgotten, while governments have had their watchful and suspicious eyes upon the manœuvres of one another, while the thought of statesmen has been about structural action and the larger transactions of commerce and finance.

"Now if I may believe the picture which I see, there comes into the foreground the great body of the laboring people of the world, the men and women and children upon whom the great burden of sustaining the world must from day to day fall, whether we wish it to do so or not, people who go to bed tired and wake up without the stimulation of lively hope. These people will be drawn into the field of international consultation and help, and will be among the wards of the combined governments of the world. There is, I take leave to say, a very great step in advance in the mere conception of that.

"Then, as you will notice, there is an imperative article concerning the publicity of all international agreements. Henceforth, no member of the League can claim any agreement valid which it has not registered with the Secretary General, in whose office, of course, it will be subject to the examination of anybody representing a member of the League. And the duty is laid upon the Secretary General to publish every document of that sort at the earliest possible time.

"I suppose most persons who have not been conversant with the business of foreign affairs do not

realize how many hundreds of these agreements are made in a single year, and how difficult it might be to publish the more unimportant of them immediately, how uninteresting it would be to most of the world to publish them immediately, but even they must be published just as soon as it is possible for the Secretary General to publish them.

"Then there is a feature about this covenant which, to my mind, is one of the greatest and most satisfactory advances that has been made. We are done with annexations of helpless peoples, meant in some instances by some powers to be used merely for exploitation. We recognize in the most solemn manner that the helpless and undeveloped peoples of the world, being in that condition, put an obligation upon us to look after their interests primarily before we use them for our interests, and that in all cases of this sort hereafter it shall be the duty of the League to see that the nations who are assigned as the tutors and advisers and directors of these peoples shall look to their interests and their development before they look to the interests and desires of the mandatory nation itself.

"There has been no greater advance than this, gentlemen. If you look back upon the history of the world you will see how helpless peoples have too often been a prey to powers that had no conscience in the matter. It has been one of the many distressing revelations of recent years that the great power which has just been, happily, defeated, put intolerable burdens and injustices upon the helpless people of some of the colonies which it annexed to itself, that its interest was rather their extermination than their development, that the desire was to possess their land



for European purposes and not to enjoy their confidence in order that mankind might be lifted in these places to the next higher level.

"Now, the world, expressing its conscience in law, says there is an end of that, that our consciences shall be settled to this thing. States will be picked out which have already shown that they can exercise a conscience in this matter, and under their tutelage the helpless peoples of the world will come into a new light and into a new hope.

"So I think I can say of this document that it is at one and the same time a practical document and a human document. There is a pulse of sympathy in it. There is a compulsion of conscience throughout it. It is practical, and yet it is intended to purify, to rectify, to elevate. And I want to say that so far as my observation instructs me, this is in one sense a belated document. I believe that the conscience of the world has long been prepared to express itself in some such way. We are not just now discovering our sympathy for these people and our interest in them. We are simply expressing it, for it has long been felt, and in the administration of the affairs of more than one of the great States represented here—so far as I know, all of the great States that are represented here—that humane impulse has already expressed itself in their dealings with their colonies, whose peoples were yet at a low stage of civilization.

"We have had many instances of colonies lifted into the sphere of complete self-government. This is not the discovery of a principle. It is the universal application of a principle. It is the agreement of the great nations which have tried to live by these standards in their separate administrations to unite in seeing



that their common force and their common thought and intelligence are lent to this great and humane enterprise. I think it is an occasion, therefore, for the most profound satisfaction that this humane decision should have been reached in a matter for which the world has long been waiting and until a very recent period thought that it was still too early to hope.

“Many terrible things have come out of this war, gentlemen, but some very beautiful things have come out of it. Wrong has been defeated, but the rest of the world has been more conscious than it ever was before of the majority of right. People that were suspicious of one another can now live as friends and comrades in a single family, and desire to do so. The miasma of distrust, of intrigue, is cleared away. Men are looking eye to eye and saying, ‘We are brothers and have a common purpose. We did not realize it before, but now we do realize it, and this is our covenant of friendship.’”

## SPEECH OF M. LEON BOURGEOIS

Reprinted from *The New York Times*, February 16, 1919.

I rise to express the deep satisfaction of all, and of France more than any other country, because she is among the countries who have most suffered, to see the unity of our wills and of our hearts in a passionate adhesion to the principles of the League of Nations. That act of faith we shall do in a spirit of cordiality and good will that has been that of the committee. Under the eminent chairmanship of President Wilson the committee has worked with all their hearts to attain this great object.

Lord Robert Cecil has said we now present to the conference and to the world the result of our work, but we do not present it as something that is final, but only as the result of an honest effort to be discussed and to be examined not only by this conference but the public opinion of the world.

We are unanimous in our opinion that this scheme must be presented to the world, and it resulted from our deliberation. We must preserve the character of unanimity which its note has given it. We still retain our rights when further discussions take place to state more definitely our views on some details.

Signor Orlando has said how difficult it seemed at the beginning to conciliate two apparently contradictory principles—that of the sovereignty of nations and that of the limitations that nations must accept in order to secure the reign of right and justice. That conciliation has taken place without effort, and we have demonstrated movement, as Signor Orlando said, by walking.

We rise to prevent the renewal of a war like that which we have just seen; we rise at the appeal of all those who have fallen to spare their offspring the renewal of such an ordeal. We are persuaded that no war in the future can be limited to a small area.

The interdependence of the different parts and different interests of the world has become such that no conflict can be limited. It is that the whole world may keep itself from danger that we today have ordained that right and justice must be the basis of settlement in all the conferences. In the view of just people there are no small and no great States. All are and all will be equal before the principle of international justice, and in the tribunal that will give the decisions the judges will sit, not as the representatives of one particular nation, but as the representatives of international right.

This is a principle to which we are particularly attached. All the States, in consenting to submit to international justice, take at the same time a definite pledge to guarantee to each other the integrity of their territories as established by the settlement of the present peace treaty, and also to guarantee their political independence against future aggression. This is the object of our scheme. I hope the means which are suggested by it will allow us to attain our object.

We have established a certain number of judicial principles and international organizations binding the States together, binding them to a common work, and binding them to the truce without which their common development would be impossible. These organizations, the creation of which is provided for in the last articles of the covenant, are similar to some

which have existed already, but which were scattered through various parts of the world and which had never been brought together to form part of the common body of humanity. The foundation is now laid, and we are certain that the organizations will be multiplied and will help humanity more and more to attain its common aims.

We have been unanimous in proclaiming these principles, and we have felt the force of these principles so much that we have no doubt that a strong light will penetrate even into the darkest ports, that the light radiating from those principles will find its way in lands that seem to be the least open to it.

But it is not enough to proclaim such great principles. We must organize a system of guarantee and a system of action, both judicial and practical. The plan laid down is a clear and simple one. There is a council where all the States are represented equally, each having only one vote, and there is an Executive Committee which is constituted on a different principle. But even in this case, where it has been found necessary for purposes of action to give five votes to the larger Powers, the principle of equality has been secured by giving as much as four votes to the smaller States.

Respect for the decision given by that body will be assured by definite rules, the violation of which shall be considered as an act of war against all the contracting States. If one State (it may be the smallest and most remote of all the States) is attacked without justification, then the whole of the League of Nations is being attacked, and will resist.

But we must go further. In order to secure the execution of international sentences there must be a

limitation of armaments. This has been the wish of the world for a great many years. What was formerly so difficult has today become possible: Our victory has made it possible, because it has enabled us to disarm the barbaric force that was in the way of such an improvement.

That limitation must be such that no State can be capable of prevailing against the will of the law of nations, but at the same time each State should be strong enough to contribute to the force that will enable the League of Nations to impose its will. There has been unanimity upon all these points.

There are one or two points upon which I wish particularly to insist, because they are connected with dangers that may be of special moment to some of us, dangers that may arise not equal for all.

There are special dangers for countries like France, Belgium, Serbia, and the new States that are in the stage of formation in Central Europe. It is necessary to give them special guarantees, and this has been recognized by the committee, when it states that special account should be taken of the geographical situation of, and the mode of application to, each State in the scale of armaments. Where the frontiers are more exposed it must be possible to have stronger systems of defense, and possibly also greater armaments.

This is all right, but there is no doubt that it will put on the shoulders of the nations that happen to be in that difficult position a special burden. It will hamper them in the peaceful competition that is the life of the world.

And here again two practical questions must be put. To give all nations necessary security, the



principle of the limitation of armaments must not only be executed but executed very fast. It has been said (and no one has said it more forcefully than President Wilson) that modern war has become a war of material, that in such a war as the one we have just seen, and such as we hope never to see in the future, what has triumphed has been science turned into barbarism.

Now, it is necessary for us to control the war industries all over the world. The nations, who are the contracting parties of the covenant, pledge themselves mutually to communicate to each other full information about their armaments and their means of production. This is a very good plan, with which I am particularly satisfied.

At the same time, I propose an amendment, which I think I ought to mention. I thought it would be necessary to institute a permanent organization for purposes of inspection, and this amendment was not at the moment embodied in the text. We have accepted the text as it is before you, and we now mention that amendment. It is because—as the whole scheme is going to be discussed by the world—it is better that all the points that have given occasion for important observations should be mentioned.

Here is a second point. Take a State that violates the international covenant. That State is supposed to be in a state of war against all the members of the League, and all are prepared to compel it to execute its obligations. But war is not something that can proceed at once, especially when the question is how to bring together forces belonging to States which are very different from each other and may be at the four corners of the world. Each nation will have to wait

in order to act until a certain procedure is gone through and until for each particular nation a vote has been taken by its Parliament—and so on. This means time and delay.

And, supposing that there is on the part of the aggressor a will to precipitate a situation, then we must provide for the possibility. For this purpose it would be desirable to have all the means of resistance studied and concerted action prepared before the occasion arises. This would be the best check against any ill design.

If the would-be aggressor knows that resistance is fully prepared against any action such as he contemplated then he will be restrained. Where, on the other hand, he knows that no such preparation exists and that sudden action on his part would encounter no prepared and well-thought-out resistance, perhaps he would not be restrained and it would be extremely dangerous.

If you do not wish to see the terrible ordeal through which the world has passed renewed in the future, we ought to have a permanent organization to prepare the military and naval means of execution and make them ready in case of emergency.

This has been objected to by some of the members of the committee because it involved some difficult constitutional problems. This is why we have agreed to the text without that amendment, but we think the principle of that proposed amendment ought to be put before public opinion at the same time as the scheme to which we have agreed.

I hope that no one, either here or anywhere in the world, will be mistaken about my intention. I will not say, and I have not said, a word that could weaken

the feeling of our complete and hearty unanimity. We have acted with one heart for the triumph of the cause, which is that of our conference, the cause of right against violence, the cause of right against might.

We believe that this scheme that is now before us is an excellent one. We believe in its virtues and its possibilities. The observations we have made on some points will, we hope, be of some value in the further discussions, since we are at the beginning of the examination of the whole plan.

Now we must, at the end, express our deep gratitude toward our colleagues, and our deep gratitude toward President Wilson, who presided over our labors in such a competent way and with such high spirit, and we wish still more to express the sincere wish of France to see that the great pact becomes, possibly with some improvement on the two points I have mentioned, the law of nations.

## SPEECH OF LORD ROBERT CECIL

Reprinted from *The New York Times*, February 16, 1919.

Mr. President and Gentlemen: I rejoice very much that the course which has been taken this afternoon has been pursued. It seems to me a good omen for the great project in which we are engaged that before its final completion it should have been published to the world and laid before all its people for their service and for their criticism. The President spoke of the spirit which animated the commission over which he presided with such distinction. I gladly bear my testimony to the complete accuracy, both in letter and in spirit, of everything which he has said about it.

It was, indeed, a pleasure to serve with such colleagues, and but for the common purpose and the common devotion to that purpose, it would have been impossible for us to have accomplished the task set before us within the time which was given to it. For, after all, the problem which we were engaged in solving was one of great difficulty. As I see it, it was to devise some really effective means of preserving the peace of the world consistent with the least possible interference with national sovereignty.

You have heard the covenant and it is unnecessary for me to dwell on its details. We have sought to safeguard the peace of the world by establishing certain principles. The first and chiefest of them is that no nation shall go to war with any other nation until every other possible means of settling the disputes shall have been fully and fairly tried.

Secondly, we lay down that under no circumstances shall any nation seek forcibly to disturb the territorial settlement to be arrived at as the consequence of this



peace or interfere with the political independence of any of the States in the world. These are the two great precepts which we seek to lay down for the government of international relations.

And we have recognized that if these principles are really to be acted upon we must go one step further and lay it down that no nation must retain armament on a scale fitted only for aggressive purposes. I do not doubt that the working out of that principle will be difficult, but it is laid down clearly in this document, and the organs of the League are intrusted with the duty of producing for the consideration and support of the world a workable scheme for carrying it into effect.

And, finally, we have thought that if the world is to be at peace it is not enough to forbid war. We must do something more than that. We must try and substitute for the principle of international competition that of international coöperation, and you will find at the end of this document a number of clauses, which point out the various respects in which the world can better discharge its duties by the coöperation of each nation for purposes which are beneficial to the whole of them. They are the examples of what may be done. There are many omissions.

There is one clause which points out that in future international coöperation shall be made subject to and connected with the League of Nations. Certainly I should hope that there are such questions as the opium trade, the white slave traffic, and, in another order of ideas, the regulation of the arteries of the air, which, besides those mentioned in this document, call earnestly for effective international coöperation. Certain it is that if we can once get the nations of the



world into the habit of coöperating with one another, you will have struck a great blow at the source or origin of almost all the world wars which have defaced the history of the world.

Those, I believe, are the principles on which we have relied for the safeguarding of Peace.

And as to national sovereignty, we have thought, in the first place, that the League should not in any respect interfere with the international liberties of any nation. I do not regard the clause which deals with labor as any such interference, for it is quite certain that no real progress in ameliorating the conditions of labor can be hoped for except by international agreement. Therefore, although the conditions of labor in a country are a matter of internal concern, yet, under the conditions under which we now live that is not so in truth, and bad conditions of labor in one country operate with fatal effect in depressing conditions of labor in another.

Secondly, we have laid down (and this is the great principle of the delegates except in very special cases and for very special reasons which are set out in the covenant) that all action must be unanimously agreed to in accordance with the general rule that governs international relations. That this will to some extent, in appearance at any rate, militate against the rapidity of action of the organs of the League is undoubted. In my judgment that defect is far more than compensated by the confidence that it will inspire that no nation, whether small or great, need fear oppression from the organs of the League.

Gentlemen, I have little more to say. The President has pointed out that the frame of the organization suggested is very simple. He has alluded to some

respects in which some may think it might have been more elaborate, but I agree with him that simplicity is the essence of our plan. We are not seeking to produce for the world a building finished and complete in all respects. To have attempted such a thing would have been an arrogant piece of folly. All we have tried to do—all we have hoped to do—is to lay soundly and truly the foundations upon which our successors may build. I believe those foundations have been well laid out, and it depends upon those who come after us what will be the character and stability of the building erected upon them.

If it is merely a repetition of the old experiments of alliance, designed for however good a purpose, believe me, gentlemen, our attempt is doomed to failure. It must be a practical thing (and this is the real point), instinct with a genuine attempt to achieve the main objects we have in view.

And if those who build on those foundations really believe that the interest of one is the interest of all and that the prosperity of the world is bound up with the prosperity of each nation that makes it up—that goes to compose the family—then only will the finished structure of the League of Nations be what it ought to—a safeguard and a glory for the humanity of the world.

## SPEECH OF PREMIER ORLANDO OF ITALY

Reprinted from *The New York Times*, February 16, 1919.

If I have asked to take part in this debate, it is to express my deep satisfaction at having coöperated in the first production of what is going to be one of the great documents of history, and I hope that my present feeling will be fully justified.

We all expect from the discussion and development of the present act a renewal of the whole world, but as the present debate has for its object to bring the whole scheme before the public opinion of the world, I wish to bring to that debate my personal contribution.

I am not going to speak on the general aim of the scheme. This has been formulated by the men who have the highest and noblest right to do it, and I am not here to insist upon the main and fundamental principles. This is what Lord Robert Cecil has done with vigorous lucidity of mind. But I have something to say on the general method upon which our work has been conducted.

Our task, gentlemen, was one of incomparable difficulty. We were faced with two absolute principles, the conciliation of which would seem to be logically impossible—on one side the sovereignty of States, admitting of no limitation, and, on the other hand, a limit, imposed upon the action of States, so that rights might be conciliated and so that the liberty of States should not include the liberty of doing wrong.

Now, we have been able to conciliate these two principles on the basis of self-constraint. The Governments have recognized that limit, and they will make

it effective in each case, as there will be the overwhelming pressure of the public opinion of the world.

I do not forget the possibility that such a scheme has been the object of attacks by skeptics, some of them, according to their temper, in sorrowful tones, others in an ironical mood. I will answer them as the Greek philosopher did, when the reality of movement was denied in his presence, and he answered by rising to his feet and walking.

The possibility of collective international action has been demonstrated by the work of our committee itself, there being eminent statesmen there representing the interests of the most divergent national existences, and they had to face problems which were difficult and puzzling. But even in spite of this we have agreed in a short time and after full discussion, where all the difficulties of solution were shown, and we had an opportunity of seeing which of the solutions was the best and wisest.

We reached our agreement after periods of suspense and reflection. Then we felt that something was growing and ripening, as a grain in the earth, and what has taken place at this time and will take place in the future is but an example of how that idea can work in its reality in a tangible form. If that idea is going to be transformed into a reality it is because of the generous and occult influence of all the blood that has been spilt, of all the terrible bereavement of the whole world.

After great wars in the past men have erected splendid monuments to glorify the fallen heroes, with their names inscribed on the walls. But the greatest monuments of the world, even the pyramids of Egypt, would not be equal, under the present circum-

stances where millions of men have died for a cause, to this document.

The pact which has been brought here today is the monument we intend to erect. This document of freedom and right was not born in vain, and it represents the redemption of humanity by sacrifice.



## SPEECH OF BARON MAKINO OF JAPAN

Reprinted from the *London Times*, February 17, 1919

I beg to add another voice to echo the congratulatory speeches that have been made on the presentation of a document which is perhaps the most important document that has been compiled by the hand of man. The great leaders, with staunch purpose, have personified this great movement, a movement involving intricate problems of divers nations, and they deserve the gratitude of their fellow-men for successfully piloting to this advanced stage a most effective instrument for the maintenance of the world. Their names will be indelibly written on pages of history, and that will be the grateful acknowledgment of humanity for their labors. As I understand there is to be no discussion of the project before us, I will limit myself to these few remarks, observing that, at a later stage in the discussion of this project, I shall have the privilege of addressing certain propositions, which I hope will receive earnest and favorable consideration from the distinguished men who represent the nations assembled here.

## . SPEECH OF MR. BARNES

Reprinted from the *London Times*, February 17, 1919

Mr. President and gentlemen: As one whose privilege it is to represent specially the working folk of Great Britain, I want just to make a very few observations. I think I know the mind of the British people on this question of the League of Nations, and I can assure you that it is one of eager expectancy. The people of Great Britain have shouldered their burden during the war, but through all its struggles and sacrifices they have looked eagerly forward for the day when aggressive war shall be no more. That day is dawning and, I believe, has been hastened by the work of the last month. To my mind, Mr. President, there are three outstanding principles in this document which, I believe, will stand out conspicuously as landmarks in the history of mankind.

First of all, the substitution of an altruistic principle for imperialism and violence in the adjustment of international affairs. Nations which have suffered and sacrificed in the acquisition of territory have agreed to the overseership of the League of Nations in the administration of that territory. They have further agreed to the principle that the welfare and assent of the peoples shall be the determining considerations in its administration. There is in this agreement, Mr. President, to my mind, a great advance in the application of the principle of moral idealism, and I can only say that I believe that that will strike the imagination of the world.

Second, they have agreed on the principle of reduction of armaments, a point of national safety, as prescribed by the League of Nations. This I believe

to be the essential feature of the condition of permanent peace. If there be excess of guns, there will always be a chance of them getting fired off. Moreover, the nations in the future will be unable in any case to bear the burdens of armaments which have been the feature of our sad history during the last two or three decades. I am, therefore, glad that in this document provision is made for reduction of armaments, thereby, I believe, lessening the risk of war and easing the economic burden upon the people.

The third is a principle to which I wish to call attention in regard to the signatories to this document—they have agreed on a recognition of the evils of private profit in the manufacture of armaments—although, for my part, I should like to have seen a more robust declaration in favor of the abolition of private arms. Abolition I believe to be a step which will ultimately be found necessary, and I further hope that the Executive may be able to devise ways and means by which private profit may be eliminated, and I am perfectly sure that nothing would be more welcome to the mind of working folks.

There are just one or two things, Mr. President, which, to my mind, might have been more explicit, and which, I believe, will have to be grafted on to a League of Nations as the idea of world unity becomes more widely accepted. Let me mention one. I am afraid that when the time comes for the enforcement of decrees—if ever it does come, which God forbid—there may be delay and confusion on the part of the League. What I am afraid of is that an aggressive nation might again try to break through, and win its way to its object before the forces of mankind can be mobilized against it. Therefore, I should have been

glad to have seen some provision for the nucleus of an international force which would be ready to strike against an aggressive nation. This, I know, cuts into the idea of the sovereignty of nations, but I hope that there may be future discussion on the part of the affiliated States as to how they can adjust their national life so as to admit of a greater degree of co-operation than is in this document.

Finally, I gladly note the insertion of a clause providing for the formation of international charters of labor. Hitherto nations have endeavored to protect themselves against low-paid labor by the imposition of tariff barriers. I hope we shall in the future, under the authority of the League of Nations, seek and find a better way by abolishing low-paid labor altogether. We hope to raise life and labor from the mere struggle for bread on to higher levels of justice and humanity. The Commission, Mr. Chairman, which was appointed a few weeks ago to go into this matter is now busily engaged in formulating its detailed plan, and we hope to report in a few weeks' time. I can only say now, on behalf of that Commission, that we shall endeavor to bring ourselves into contact with the League of Nations on as many points as we possibly can, and to bring ourselves in line with this epoch-making document which President Wilson has submitted to us today, and, through us, to the war-weary world.

## SPEECH OF M. VENIZELOS OF GREECE

Reprinted from the London *Times*, February 17, 1919

The chairman has done me a great honor by calling upon me to speak, but I feel greatly embarrassed when I think what has been said before. What can I add? I shall be satisfied, being an idealist, and very often criticized as such, to express my enthusiasm.

I think idealism excludes materialism, but it does not exclude realism or reality. Humanity by one step has made a great stride toward its new and better fate. No doubt the plan now before us can be discussed and criticized. On one point I should like to say something, not to enter upon discussion with M. Bourgeois, but just to avoid the impression that might be created that public opinion could be in doubt of the possibilities of the scheme. As it is, we hear that some nations have an objection to the constitution of a permanent international force for constitutional reasons. We hope that it will be possible to raise these constitutional objections, and to find a way around the difficulty. But supposing this cannot be done, we must not say that the League of Nations would then be made powerless. We know that the would-be aggressor would know that behind the sentence—behind the tribunal—there is the League of Nations, that is, the nations here represented and the nations who have shown what they could do—some of them, perhaps, would not be ready at once when the occasion arose, but all showing with what force they could develop in case of need. This being known, what Power would be inclined to play the part of the aggressor? He would know, whatever success he might attain at the beginning, his efforts would be doomed to failure



and his cause to disaster. He would know his aggression would be a hopeless enterprise.

The representative of Japan has very aptly expressed my own thought when he said that the hand of man never wrought a more important document. And Signor Orlando also expressed the feeling that is in all our hearts when he said that we owe the benefits of this great act to the blood of all those who have died for the liberty of the world. We owe it also to the feeling of solidarity that has been created by the coöperation of the nations who have come together from all parts of the world. They are united, and this is the best step they can take toward their great and better future.

## SPEECH OF MR. WELLINGTON KOO OF CHINA

Reprinted from the *London Times*, February 17, 1919

Mr. President and gentlemen: I have no lengthy eulogy to deliver, but I just want to express the very warm sentiment in my heart, and to express it very briefly, also. I have listened with deep pleasure and profound satisfaction to the words of my esteemed colleagues here in commendation of the spirit of the draft constitution which has just been made before us. Just as no people are more anxious than we are to see the League of Nations established, so no people are more gratified than the people of China to see and note the completion of another stage in advance in the movement for the founding of a League of Nations. Representing, as I have the honor to represent, at least one-third of the population represented here in this distinguished assemblage, I believe it is only fitting that I should add a word of satisfaction to those which have already been so eloquently uttered to us. Not only the character of the conditions in this draft, but the spirit permeating all the provisions through and through are of the most inspiring kind to us. We realize there is room for improvement, perhaps, but we also realize that we are making but a beginning now, and that, therefore, I cannot but express the satisfaction of the Chinese Delegation with the spirit underlying this instrument, the spirit of fair-mindedness and friendship, the spirit of concord and conciliation. It is but the natural result of the spirit which has animated the entire membership of the Commission on the League of Nations, and I say it, gentlemen, from my very pleasing experience of the sittings of

that Commission of which I have the honor to be a part.

Thanks to the able leadership of President Wilson and also to the mutual coöperation of all members of the Commission, we are now at last in possession of an instrument which, as my distinguished colleague from Japan has already stated, is to be a memorable document in history, a document which, to my mind, will serve as a bulwark against international restlessness and a guarantee of universal peace. Therefore, gentlemen, the rapid and successful completion of the work of the Commission on the League of Nations, to my mind, marks a very distinct milestone on the road upon which mankind has been toiling forward ever from time immemorial in order to attain a goal of a durable peace. It is my privilege and a duty, therefore, to assure the Conference that China will always be ready to coöperate with those who will be members of the League, in order to coöperate with them not only for the organization, but also for the development of this League of Nations, which will be the greatest institution that mankind will ever see.

## SPEECH OF RUSTEM HAIDA, THE KINGDOM OF THE HEDJAZ

Reprinted from the London *Times*, February 17, 1919

A long speech would not at present please this assembly, but what I have to say is definite and can be said in a very few words. I have nothing to add to what has been so eloquently expressed by eminent speakers, and it is not for me to add anything to the praise that has been given to the monumental work which gives foundations to an edifice of justice for the small nations. In Clause 19 of the Covenant we read propositions particularly applying to the nationalities that have been liberated from the Turkish yoke, and there the word "mandate" is used, but the definition of that word is not given. It remains vague and undefined. On the interpretation that will be given to that word depends the freedom of liberated populations. This will be seen when the discussion which it is not intended to begin today will be instituted.

For the present I wish to say that this article leaves to the nations liberated from the Turkish domination the right to choose the Power from which they will ask help and advice. Now, we know that there is in existence a secret covenant to divide this nation of ours without consulting us. We ask whether such a convention will be allowed to remain. We must say to the Powers interested in this question that we ask them to declare that such a convention, from the very fact of this Covenant, has become null and void. We thank all the Powers for the part they have taken in the drafting of an act the result of which will be to give welcome guarantees to all the small nationalities.

## III

ADDRESS DELIVERED BY PRESIDENT  
WILSON IN BOSTON, FEBRUARY 24, 1919

Reprinted from *The New York Times*, February 25, 1919

Governor Coolidge, Mr. Mayor, Fellow-Citizens: I wonder if you are half as glad to see me as I am to see you. It warms my heart to see a great body of my fellow-citizens again, because, in some respects, during the recent months I have been very lonely indeed without your comradeship and counsel; and I tried at every step of the work which fell to me to recall what I was sure would be your counsel with regard to the great matters which were under consideration.

I do not want you to think that I have not been appreciative of the extraordinarily generous reception which was given to me on the other side in saying that it makes me very happy to get home again. I do not mean to say that I was not very deeply touched by the cries that came from the great crowds on the other side. But I want to say to you in all honesty that I felt them to be a call of greeting to you rather than to me.

I did not feel that the greeting was personal. I had in my heart the over-crowning pride of being your representative and of receiving the plaudits of men everywhere who felt that your hearts beat with



theirs in the cause of liberty. There was no mistaking the tone in the voices of those great crowds. It was not a tone of mere greeting, it was not a tone of mere generous welcome; it was the calling of comrade to comrade, the cries that come from men who say, "We have waited for this day, when the friends of liberty should come across the sea and shake hands with us, to see that a new world was constructed upon a new basis and foundation of justice and right."

I can't tell you the inspiration that came from the sentiments that came out of those simple voices of the crowd. And the proudest thing I have to report to you is that this great country of ours is trusted throughout the world.

I have not come to report the proceedings or the results of the proceedings of the Peace Conference; that would be premature. I can say that I have received very happy impressions from this conference; the impression that, while there are many differences of judgment, while there are some divergences of object, there is, nevertheless, a common spirit and a common realization of the necessity of setting up new standards of right in the world.

Because the men who are in conference in Paris realize as keenly as any American can realize that they are not the masters of their people; that they are the servants of their people, and that the spirit of their people has awakened to a new purpose and a new conception of their power to realize that purpose, and that no man dare go home from that conference and report anything less noble than was expected of it.

The conference seems to you to go slowly; from day to day in Paris it seems to go slowly; but I wonder if you realize the complexity of the task which it has undertaken. It seems as if the settlements of this war affect, and affect directly, every great, and I sometimes think every small, nation in the world, and no one decision can prudently be made which is not properly linked in with the great series of other decisions which must accompany it, and it must be reckoned in with the final result if the real quality and character of that result is to be properly judged.

What we are doing is to hear the whole case; hear it from the mouths of the men most interested; hear it from those who are officially commissioned to state it; hear the rival claims; hear the claims that affect new nationalities, that affect new areas of the world, that affect new commercial and economic connections that have been established by the great world war through which we have gone. And I have been struck by the moderateness of those who have represented national claims. I can testify that I have nowhere seen the gleam of passion. I have seen earnestness, I have seen tears come to the eyes of men who plead for downtrodden people whom they were privileged to speak for; but they were not the tears of anguish, they were the tears of ardent hope.

And I don't see how any man can fail to have been subdued by these pleas, subdued to this feeling, that he was not there to assert an individual judgment of his own, but to try to assist the cause of humanity.

And, in the midst of it all, every interest seeks out, first of all, when it reaches Paris, the representatives of the United States. Why? Because—and I think I

am stating the most wonderful fact in history—because there is no nation in Europe that suspects the motives of the United States.

Was there ever so wonderful a thing seen before? Was there ever so moving a thing? Was there ever any fact that so bound the nation that had won that esteem forever to deserve it?

I would not have you understand that the great men who represent the other nations there in conference are disesteemed by those who know them. Quite the contrary. But you understand that the nations of Europe have again and again clashed with one another in competitive interest. It is impossible for men to forget those sharp issues that were drawn between them in times past. It is impossible for men to believe that all ambitions have all of a sudden been foregone. They remember territory that was coveted; they remember rights that it was attempted to extort; they remember political ambitions which it was attempted to realize, and, while they believe that men have come into a different temper, they cannot forget these things, and so they do not resort to one another for a dispassionate view of the matters in controversy. They resort to that nation which has won the enviable distinction of being regarded as the friend of mankind.

Whenever it is desired to send a small force of soldiers to occupy a piece of territory where it is thought nobody else will be welcome, they ask for American soldiers. And where other soldiers would be looked upon with suspicion and perhaps met with resistance, the American soldier is welcomed with acclaim.

I have had so many grounds for pride on the other side of the water that I am very thankful that they are not grounds for personal pride, but for national pride. If they were grounds for personal pride, I'd be the most stuck-up man in the world.

And it has been an infinite pleasure to me to see those gallant soldiers of ours, of whom the Constitution of the United States made me the proud commander. You may be proud of the 26th Division, but I commanded the 26th Division, and see what they did under my direction! And everybody praises the American soldier, with the feeling that in praising him he is subtracting from the credit of no one else.

I have been searching for the fundamental fact that converted Europe to believe in us. Before this war, Europe did not believe in us as she does now. She did not believe in us throughout the first three years of the war. She seems really to have believed that we were holding off because we thought we could make more by staying out than by going in. And, all of a sudden, in a short eighteen months, the whole verdict is reversed. There can be but one explanation for it. They saw what we did—that, without making a single claim, we put all our men and all our means at the disposal of those who were fighting for their homes, in the first instance, but for a cause, the cause of human rights and justice, and that we went in, not to support their national claims, but to support the great cause which they held in common. And when they saw that America not only held ideals, but acted ideals, they were converted to America and became firm partisans of those ideals.

I met a group of scholars when I was in Paris—some gentlemen from one of the Greek universities



who had come to see me, and in whose presence, or rather in the presence of whose traditions of learning I felt very young indeed. I told them that I had one of the delightful revenges that sometimes come to a man. All my life I had heard men speak with a sort of condescension of ideals and of idealists, and particularly those separated, encloistered persons whom they choose to term academic, who were in the habit of uttering ideals in the free atmosphere, when they clash with nobody in particular.

And I said I have had this sweet revenge: speaking with perfect frankness, in the name of the people of the United States, I have uttered as the objects of this great war ideals, and nothing but ideals, and the war has been won by that inspiration. Men were fighting with tense muscles and lowered head until they came to realize those things, feeling they were fighting for their lives and their country, and when these accents of what it was all about reached them from America, they lifted their heads, they raised their eyes to heaven, when they saw men in khaki coming across the sea in the spirit of crusaders, and they found that these were starœ men, reckless of danger not only, but reckless because they seemed to see something that made that danger worth while. Men have testified to me in Europe that our men were possessed by something that they could only call a religious fervor. They were not like any of the other soldiers. They had a vision, they had a dream, and they were fighting in the dream, and, fighting in the dream, they turned the whole tide of battle, and it never came back.

One of our American humorists, meeting the criticism that American soldiers were not trained long



enough, said: "It takes only half as long to train an American soldier as any other, because you only have to train him to go one way." And he did only go one way, and he never came back until he could do it when he pleased.

And now do you realize that this confidence we have established throughout the world imposes a burden upon us, if you choose to call it a burden? It is one of those burdens which any nation ought to be proud to carry. Any man who resists the present tides that run in the world will find himself thrown upon a shore so high and barren that it will seem as if he had been separated from his human kind forever.

The Europe that I left the other day was full of something that it had never felt fill its heart so full before. It was full of hope. The Europe of the second year of the war, the Europe of the third year of the war, was sinking to a sort of stubborn desperation. They did not see any great thing to be achieved, even when the war should be won. They hoped there would be some salvage; they hoped that they could clear their territories of invading armies; they hoped they could set up their homes and start their industries afresh. But they thought it would simply be the resumption of the old life that Europe had led—led in fear, led in anxiety, led in constant suspicious watchfulness. They never dreamed that it would be a Europe of settled peace and of justified hope.

And now these ideals have wrought this new magic, that all the peoples of Europe are buoyed up and confident in the spirit of hope, because they believe that we are at the eve of a new age in the

world, when nations will understand one another, when nations will support one another in every just cause, when nations will unite every moral and every physical strength to see that the right shall prevail.

If America were at this juncture to fail the world, what would come of it? I do not mean any disrespect to any other great people when I say that America is the hope of the world; and if she does not justify that hope, the results are unthinkable. Men will be thrown back upon the bitterness of disappointment not only, but the bitterness of despair. All nations will be set up as hostile camps again; the men at the Peace Conference will go home with their heads upon their breasts, knowing that they have failed—for they were bidden not to come home from there until they did something more than sign a treaty of peace.

Suppose we sign the treaty of peace and that it is the most satisfactory treaty of peace that the confusing elements of the modern world will afford, and go home and think about our labors, we will know that we have left written upon the historic table at Versailles, upon which Vergennes and Benjamin Franklin wrote their names, nothing but a modern scrap of paper; no nations united to defend it, no great forces combined to make it good, no assurance given to the downtrodden and fearful people of the world that they shall be safe.

Any man who thinks that America will take part in giving the world any such rebuff and disappointment as that does not know America. I invite him to test the sentiments of the nation. We set this up to make men free, and we did not confine our con-

ception and purpose to America, and now we will make men free. If we did not do that, the fame of America would be gone, and all her powers would be dissipated. She then would have to keep her power for those narrow, selfish, provincial purposes which seem so dear to some minds that have no sweep beyond the nearest horizon.

I should welcome no sweeter challenge than that. I have fighting blood in me, and it is sometimes a delight to let it have scope, but if it is a challenge on this occasion it will be an indulgence. Think of the picture, think of the utter blackness that would fall on the world. America has failed! America made a little essay at generosity, and then withdrew. America said, "We are your friends," but it was only for today, not for tomorrow. America said, "Here is our power to vindicate right," and then the next day said, "Let right take care of itself, and we will take care of ourselves." America said, "We set up a light to lead men along the paths of liberty, but we have lowered it; it is intended only to light our own path." We set up a great ideal of liberty, and then we said: "Liberty is a thing that you must win for yourself. Do not call upon us."

And think of the world that we would leave. Do you realize how many new nations are going to be set up in the presence of old and powerful nations in Europe, and left there, if left by us, without a disinterested friend?

Do you believe in the Polish cause, as I do? Are you going to set up Poland, immature, inexperienced, as yet unorganized, and leave her with a circle of armies around her? Do you believe in the aspiration of the Czechoslovaks and the Jugoslavs, as I do? Do

you know how many powers would be quick to pounce upon them if there were not the guarantees of the world behind their liberty?

Have you thought of the sufferings of Armenia? You poured out your money to help succor the Armenians after they suffered; now set your strength so that they shall never suffer again.

The arrangements of the present peace cannot stand a generation unless they are guaranteed by the united forces of the civilized world. And, if we do not guarantee them, can you not see the picture? Your hearts have instructed you where the burden of this war fell. It did not fall upon the national treasuries, it did not fall upon the instruments of administration, it did not fall upon the resources of the nation. It fell upon the victims' homes everywhere—where women were toiling in the hope that their men would come back.

When I think of the homes upon which dull despair would settle were this great hope disappointed, I should wish for my part never to have had America play any part whatever in this attempt to emancipate the world. But I talk as if there were any question. I have no more doubt of the verdict of America in this matter than I have doubt of the blood that is in me.

And so, my fellow-citizens, I have come back to report progress, and I do not believe that the progress is going to stop short of the goal. The nations of the world have set their heads now to do a great thing and they are not going to slacken their purpose. And when I speak of the nations of the world I do not speak of the governments of the world. I speak of the peoples who constitute the nations of



the world. They are in the saddle and they are going to see to it that, if their present governments do not do their will, some other governments shall. And the secret is out and the present governments know it.

There is a great deal of harmony to be got out of common knowledge. There is a great deal of sympathy to be got out of living in the same atmosphere; and, except for the differences of languages, which puzzled my American ear very sadly, I could have believed I was at home, in France, or in Italy, or in England, when I was on the streets, when I was in the presence of the crowds, when I was in great halls where men were gathered together irrespective of class. I did not feel quite as much at home there as I do here, but I felt that, now, at any rate, after this storm of war had cleared the air, men were seeing eye to eye everywhere and that these were the kind of folks who would understand what the kind of folks at home would understand and that they were thinking the same things.

I feel about you as I am reminded of a story of that excellent witness and good artist, Oliver Herford, who one day, sitting at luncheon at his club, was slapped vigorously on the back by a man whom he did not know very well. He said: "Oliver, old boy, how are you?" He looked at him rather coldly. He said: "I don't know your name, I don't know your face, but your manners are very familiar." And I must say that your manners are very familiar and, let me add, very delightful.

It is a great comfort, for one thing, to realize that you all understand the language I am speaking. A friend of mine said that to talk through an interpreter was like witnessing the compound fracture



of an idea. But the beauty of it is that, whatever the impediments of the channel of communication, the idea is the same, that it gets registered, and it gets registered in responsive hearts and receptive purposes.

I have come back for a strenuous attempt to transact business for a little while in America, but I have really come back to say to you, in all soberness and honesty, that I have been trying my best to speak your thoughts.

When I sample myself, I think I find that I am a typical American, and, if I sample deep enough and get down to what is probably the true stuff of a man, then I have hope that it is part of the stuff that is like the other fellow's at home. And, therefore, probing deep in my heart and trying to see the things that are right, without regard to the things that may be debated as expedient, I feel that I am interpreting the purpose and the thought of America; and in loving America I find I have joined the great majority of my fellowmen throughout the world.

ADDRESS DELIVERED BY PRESIDENT  
WILSON IN NEW YORK  
MARCH 4, 1919

Reprinted from *The New York Times*, March 5, 1919

My Fellow-Citizens: I accept the intimation of the air just played; I will not come back "till it's over, over there." And yet I pray God, in the interests of peace and of the world, that that may be soon.

The first thing that I am going to tell the people on the other side of the water is that an overwhelming majority of the American people is in favor of the League of Nations. I know that that is true; I have had unmistakable intimations of it from all parts of the country, and the voice rings true in every case. I account myself fortunate to speak here under the unusual circumstances of this evening. I am happy to associate myself with Mr. Taft in this great cause. He has displayed an elevation of view and a devotion to public duty which is beyond praise.

And I am the more happy because this means that this is not a party issue. No party has the right to appropriate this issue, and no party will in the long run dare oppose it.

We have listened to so clear and admirable an exposition of many of the main features of the proposed covenant of the League of Nations that it is, perhaps, not necessary for me to discuss in any particular way the contents of the document. I will seek rather to give you its setting. I do not know when I have been more impressed than by the conferences of the commission set up by the Conference of Peace to draw up a covenant for the League of Nations. The representatives of fourteen nations sat around that board—

not young men, not men inexperienced in the affairs of their own countries, not men inexperienced in the politics of the world; and the inspiring influence of every meeting was the concurrence of purpose on the part of all those men to come to an agreement and an effective working agreement with regard to this League of the civilized world.

There was a conviction in the whole impulse; there was conviction of more than one sort; there was the conviction that this thing ought to be done, and there was also the conviction that not a man there would venture to go home and say that he had not tried to do it.

Mr. Taft has set the picture for you of what a failure of this great purpose would mean. We have been hearing for all these weary months that this agony of war has lasted of the sinister purpose of the Central Empires, and we have made maps of the course that they meant their conquests to take. Where did the lines of that map lie, of that central line that we used to call from Bremen to Bagdad? They lay through these very regions to which Mr. Taft has called your attention, but they lay then through a united empire, the Austro-Hungarian Empire, whose integrity Germany was bound to respect, as her ally lay in the path of that line of conquest; the Turkish Empire, whose interests she professed to make her own, lay in the direct path that she intended to tread. And now what has happened? The Austro-Hungarian Empire has gone to pieces and the Turkish Empire has disappeared, and the nations that effected that great result—for it was a result of liberation—are now responsible as the trustees of the assets of those great nations. You not only would have weak

nations lying in this path, but you would have nations in which that old poisonous seed of intrigue could be planted with the certainty that the crop would be abundant; and one of the things that the League of Nations is intended to watch is the course of intrigue. Intrigue cannot stand publicity, and if the League of Nations were nothing but a great debating society it would kill intrigue.

It is one of the agreements of this covenant that it is the friendly right of every nation a member of the League to call attention to anything that it thinks will disturb the peace of the world, no matter where that thing is occurring. There is no subject that may touch the peace of the world which is exempt from inquiry and discussion, and I think everybody here present will agree with me that Germany would never have gone to war if she had permitted the world to discuss the aggression upon Serbia for a single week. The British Foreign Office suggested, it pleaded, that there might be a day or two delay so that the representatives of the nations of Europe could get together and discuss the possibilities of a settlement. Germany did not dare permit a day's discussion. You know what happened. So soon as the world realized that an outlaw was at large, the nations began one by one to draw together against her. We know for a certainty that if Germany had thought for a moment that Great Britain would go in with France and with Russia she never would have undertaken the enterprise, and the League of Nations is meant as a notice to all outlaw nations that not only Great Britain, but the United States and the rest of the world will go in to stop enterprises of that sort. And so the League of Nations is nothing more nor less than the covenant that the



world will always maintain the standards which it has now vindicated by some of the most precious blood ever spilled.

The liberated peoples of the Austro-Hungarian Empire and of the Turkish Empire call out to us for this thing. It has not arisen in the council of statesmen. Europe is a bit sick at heart at this very moment, because it sees that statesmen have had no vision, and that the only vision has been the vision of the people. Those who suffer, see. Those against whom wrong is wrought know how desirable is the right and the righteous. The nations that have long been under the heel of the Austrian, that have long cowered before the German, that have long suffered the indescribable agonies of being governed by the Turk, have called out to the world, generation after generation, for justice, for liberation, for succor; and no Cabinet in the world has heard them. Private organizations, pitying hearts, philanthropic men and women have poured out their treasure in order to relieve these sufferings; but no nation has said to the nations responsible, "You must stop; this thing is intolerable, and we will not permit it." And the vision has been with the people. My friends, I wish you would reflect upon this proposition: The vision as to what is necessary for great reforms has seldom come from the top in the nations of the world. It has come from the need and the aspiration and the self-assertion of great bodies of men who meant to be free. And I can explain some of the criticisms which have been leveled against this great enterprise only by the supposition that the men who utter the criticisms have never felt the great pulse of the heart of the world.



And I am amazed—not alarmed, but amazed—that there should be in some quarters such a comprehensive ignorance of the state of the world. These gentlemen do not know what the mind of men is just now. Every body else does. I do not know where they have been closeted, I do not know by what influences they have been blinded; but I do know that they have been separated from the general currents of the thought of mankind.

And I want to utter this solemn warning, not in the way of a threat; the forces of the world do not threaten, they operate. The great tides of the world do not give notice that they are going to rise and run; they rise in their majesty and overwhelming might, and those who stand in the way are overwhelmed, Now the heart of the world is awake, and the heart of the world must be satisfied. Do not let yourselves suppose for a moment that the uneasiness in the populations of Europe is due entirely to economic causes or economic motives; something very much deeper underlies it all than that. They see that their Governments have never been able to defend them against intrigue or aggression, and that there is no force of foresight or of prudence in any modern Cabinet to stop war. And therefore they say, "There must be some fundamental cause for this," and the fundamental cause they are beginning to perceive to be that nations have stood singly or in little jealous groups against each other, fostering prejudice, increasing the danger of war rather than concerting measures to prevent it; and that if there is right in the world, if there is justice in the world, there is no reason why nations should be divided in the support of justice.

They are, therefore, saying if you really believe that there is a right, if you really believe that wars ought to be stopped, stop thinking about the rival interests of nations, and think about men and women and children throughout the world. Nations are not made to afford distinction to their rulers by way of success in the manœuvres of politics; nations are meant, if they are meant for anything, to make the men and women and children in them secure and happy and prosperous, and no nation has the right to set up its special interests against the interests and benefits of mankind, least of all this great nation which we love. It was set up for the benefit of mankind; it was set up to illustrate the highest ideals and to achieve the highest aspirations of men who wanted to be free; and the world—the world of today—believes that and counts on us, and would be thrown back into the blackness of despair if we deserted it

I have tried once and again, my fellow-citizens, to say to little circles of friends or to larger bodies what seems to be the real hope of the peoples of Europe, and I tell you frankly I have not been able to do so because when the thought tries to crowd itself into speech the profound emotion of the thing is too much; speech will not carry. I have felt the tragedy of the hope of those suffering peoples.

It is tragedy because it is a hope which cannot be realized in its perfection, and yet I have felt besides its tragedy, its compulsion—its compulsion upon every living man to exercise every influence that he has to the utmost to see that as little as possible of that hope is disappointed, because if men cannot now, after this agony of bloody sweat, come to their self-possession and see how to regulate the affairs of the

world, we will sink back into a period of struggle in which there will be no hope and, therefore, no mercy. There can be no mercy where there is no hope, for why should you spare another if you yourself expect to perish? Why should you be pitiful if you can get no pity? Why should you be just if, upon every hand, you are put upon?

There is another thing which I think the critics of this covenant have not observed. They not only have not observed the temper of the world, but they have not even observed the temper of those splendid boys in khaki that they sent across the seas. I have had the proud consciousness of the reflected glory of those boys, because the Constitution made me their Commander-in-Chief, and they have taught me some lessons. When we went into the war, we went into it on the basis of declarations which it was my privilege to utter, because I believed them to be an interpretation of the purpose and thought of the people of the United States. And those boys went over there with the feeling that they were sacredly bound to the realization of those ideals; that they were not only going over there to beat Germany; they were not going over there merely with resentment in their hearts against a particular outlaw nation; but that they were crossing those three thousand miles of sea in order to show to Europe that the United States, when it became necessary, would go anywhere where the rights of mankind were threatened. They would not sit still in the trenches. They would not be restrained by the prudence of experienced continental commanders. They thought they had come over there to do a particular thing, and they were going to do it and do it at once. And just as soon as that rush of spirit as

well as rush of body came in contact with the lines of the enemy they began to break, and they continued to break until the end. They continued to break, my fellow-citizens, not merely because of the physical force of those lusty youngsters, but because of the irresistible spiritual force of the armies of the United States. It was that they felt. It was that that awed them. It was that that made them feel, if these youngsters ever got a foothold, they could never be dislodged, and that therefore every foot of ground that they won was permanently won for the liberty of mankind.

And do you suppose that having felt that crusading spirit of these youngsters, who went over there not to glorify America, but to serve their fellow-men, I am going to permit myself for one moment to slacken in my effort to be worthy of them and of their cause? What I said at the opening I said with a deeper meaning than perhaps you have caught; I do mean not to come back until it's over over there, and it must not be over until the nations of the world are assured of the permanency of peace.

Gentlemen on this side of the water would be very much profited by getting into communication with some gentlemen on the other side of the water. We sometimes think, my fellow-citizens, that the experienced statesmen of the European nations are an unusually hard-headed set of men, by which we generally mean, although we do not admit it, that they are a bit cynical, that they say, "This is a very practical world," by which you always mean that it is not an ideal world; that they do not believe that things can be settled upon an ideal basis. Well, I never came into intimate contact with them before, but if they used



to be that way, they are not that way now. They have been subdued, if that was once their temper, by the awful significance of recent events and the awful importance of what is to ensue; and there is not one of them with whom I have come in contact who does not feel that he cannot in conscience return to his people from Paris unless he has done his utmost to do something more than attach his name to a treaty of peace. Every man in that Conference knows that the treaty of peace in itself will be inoperative, as Mr. Taft has said, without this constant support and energy of a great organization such as is supplied by the League of Nations.

And men who when I first went over there were skeptical of the possibility of forming a League of Nations, admitted that if we could but form it it would be an invaluable instrumentality through which to secure the operation of the various parts of the treaty; and when that treaty comes back, gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant that you cannot dissect the covenant from the treaty without destroying the whole vital structure. The structure of peace will not be vital without the League of Nations, and no man is going to bring back a cadaver with him.

I must say that I have been puzzled by some of the criticisms—not by the criticisms themselves; I can understand them perfectly, even when there was no foundation for them; but by the fact of the criticism. I cannot imagine how these gentlemen can live and not live in the atmosphere of the world. I cannot imagine how they can live and not be in contact with the events of their times, and I particularly cannot



imagine how they can be Americans and set up a doctrine of careful selfishness, thought out to the last detail. I have heard no counsel of generosity in their criticism. I have heard no constructive suggestion. I have heard nothing except "Will it not be dangerous to us to help the world?" It would be fatal to us not to help it.

From being what I will venture to call the most famous and the most powerful nation in the world we would of a sudden have become the most contemptible. So, I did not need to be told, as I have been told, that the people of the United States would support this covenant. I am an American and I knew they would. What a sweet revenge it is upon the world. They laughed at us once, they thought we did not mean our professions of principle. They thought so until April of 1917. It was hardly credible to them that we would do more than send a few men over and go through the forms of helping, and when they saw multitudes hastening across the sea, and saw what those multitudes were eager to do when they got to the other side, they stood at amaze and said: "The thing is real, this nation is the friend of mankind as it said it was." The enthusiasm, the hope, the trust, the confidence in the future bred by that change of view are indescribable. Take an individual American and you may often find him selfish, and confined to his special interests; but take the American in the mass and he is willing to die for an idea. The sweet revenge, therefore, is this, that we believed in righteousness, and now we are ready to make the supreme sacrifice for it, the supreme sacrifice of throwing in our fortunes with the fortunes of men everywhere. Mr. Taft was speaking of Washington's utterance

about entangling alliances, and if he will permit me to say so, he put the exactly right interpretation upon what Washington said, the interpretation that is inevitable if you read what he said, as most of these gentlemen do not. And the thing that he longed for was just what we are now about to supply: an arrangement which will disentangle all the alliances in the world.

Nothing entangles, nothing enmeshes a man except a selfish combination with somebody else. Nothing entangles a nation, hampers it, binds it, except to enter into a combination with some other nation against the other nations of the world. And this great disentanglement of all alliances is now to be accomplished by this covenant, because one of the covenants is that no nation shall enter into any relationship with another nation inconsistent with the covenants of the League of Nations. Nations promise not to have alliances. Nations promise not to make combinations against each other. Nations agree that there shall be but one combination, and that is the combination of all against the wrongdoer.

And so I am going back to my task on the other side with renewed vigor. I had not forgotten what the spirit of the American people is, but I have been immensely refreshed by coming in contact with it again. I did not know how good home felt until I got here.

The only place a man can feel at home is where nothing has to be explained to him. Nothing has to be explained to me in America, least of all the sentiment of the American people. I mean about great fundamental things like this. There are many differences of judgment as to policy—and perfectly legitimate—sometimes profound differences of judg-

ment; but those are not differences of sentiment, those are not differences of purpose, those are not differences of ideals. And the advantage of not having to have anything explained to you is that you recognize a wrong explanation when you hear it.

In a certain rather abandoned part of the frontier at one time it was said they found a man who told the truth; he was not found telling it, but he could tell it when he heard it. And I think I am in that situation with regard to some of the criticisms I have heard. They do not make any impression on me, because I know there is no medium that will transmit them, that the sentiment of the country is proof against such narrowness and such selfishness as that. I commend these gentlemen to communion with their fellow-citizens.

What are we to say, then, as to the future? I think, my fellow-citizens, that we can look forward to it with great confidence. I have heard cheering news since I came to this side of the water about the progress that is being made in Paris toward the discussion and clarification of a great many difficult matters and I believe that settlements will begin to be made rather rapidly from this time on at those conferences. But what I believe, what I know as well as believe, is this: That the men engaged in those conferences are gathering heart as they go, not losing it; that they are finding community of purpose and community of ideal to an extent that perhaps they did not expect; and that amidst all the inter-play of influence—because it is infinitely complicated—amidst all the inter-play of influence, there is a forward movement which is running toward the right. Men have at last perceived that the only permanent thing in the world is the right, and that a wrong settle-

ment is bound to be a temporary settlement—bound to be a temporary settlement for the very best reason of all, that it ought to be a temporary settlement, and the spirits of men will rebel against it, and the spirits of men are now in the saddle.

When I was in Italy a little limping group of wounded Italian soldiers sought an interview with me. I could not conjecture what it was they were going to say to me, and with the greatest simplicity, with a touching simplicity, they presented me with a petition in favor of the League of Nations. Their wounded limbs, their impaired vitality were the only argument they brought with them. It was a simple request that I lend all the influence that I might happen to have to relieve future generations of the sacrifices that they had been obliged to make. That appeal has remained in my mind as I have ridden along the streets in European capitals and heard cries of the crowd, cries for the League of Nations, from lips of people who, I venture to say, had no particular notion of how it was to be done, who were not ready to propose a plan for a League of Nations, but whose hearts said that something by way of a combination of all men everywhere must come out of this. As we drove along country roads, weak old women would come out and hold flowers up to us. Why should they hold flowers up to strangers from across the Atlantic? Only because they believed that we were the messengers of friendship and of hope, and these flowers were their humble offerings of gratitude that friends from so great a distance should have brought them so great a hope.

It is inconceivable that we should disappoint them, and we shall not. The day will come when men in



America will look back with swelling hearts and rising pride that they should have been privileged to make the sacrifice which it was necessary to make in order to combine their might and their moral power with the cause of justice for men of every kind everywhere.

God give us the strength and vision to do it wisely!  
God give us the privilege of knowing that we did it  
without counting the cost and because we were true  
Americans, lovers of liberty and of the right!





# INTERNATIONAL CONCILIATION

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- I. RUSSIAN DOCUMENTS
- II. THE RUSSIAN CONSTITUTION
- III. THE RUSSIAN LAND LAW
- IV. THE FRANCO-RUSSIAN ALLIANCE



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## I

## RUSSIAN DOCUMENTS

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The following decrees and other official documents of the Soviet Government are taken in part from a published official collection, and in part from papers in the Library of Congress. The signatures of Lenine, Trotzky and other Government officials which are appended to some of the documents, and all merely formal indorsements, are omitted. Where no date is given, the original printed text is undated. The language of the originals is often informal and even incorrect, but no attempt has been made, beyond the necessities of an accurate translation, to give to the documents a literary excellence which they do not possess.

## DECLARATION OF THE RIGHTS OF THE PEOPLES OF RUSSIA

The October revolution of the workmen and peasants began under the common banner of emancipation.

The peasants are being emancipated from the power of the landowners, for there is no longer the landowner's property right in the land—it has been abolished. The soldiers and sailors are being emancipated from the power of autocratic generals, for generals will henceforth be elective and subject to recall. The workingmen are being emancipated from the whims and arbitrary will of the capitalists, for henceforth there will be established the control of the workers over mills and factories. Everything living and capable of life is being emancipated from the hateful shackles.

There remain only the peoples of Russia, who have suffered and are suffering oppression and arbitrariness, and whose emancipation must immediately be begun, whose liberation must be effected resolutely and definitely.

During the period of czarism the peoples of Russia were systematically incited against one another. The results of such a policy are known: massacres and pogroms on the one hand, slavery of peoples on the other.

There can be and there must be no return to this disgraceful policy of instigation. Henceforth the policy of a voluntary and honest union of the peoples of Russia must be substituted.

In the period of imperialism, after the February revolution, when the power was transferred to the hands of the Cadet bourgeoisie, the naked policy of instigation gave way to one of cowardly distrust of the peoples of Russia, to a policy of fault-finding and provocation, of "freedom" and "equality" of peoples. The results of such a policy are known: the growth of national enmity, the impairment of mutual trust.

An end must be put to this unworthy policy of falsehood and distrust, of fault-finding and provocation. Henceforth it must be replaced by an open and honest policy which leads to complete mutual trust of the people of Russia. Only as the result of such a trust can there be formed an honest and lasting union of the peoples of Russia. Only as the result of such a union can the workmen and peasants of the peoples of Russia be cemented into one revolutionary force able to resist all attempts on the part of the imperialist-annexationist bourgeoisie.

Starting with these assumptions, the first Congress of Soviets, in June of this year, proclaimed the right of the peoples of Russia to free self-determination.

The second Congress of Soviets, in October of this year, reaffirmed this inalienable right of the peoples of Russia more decisively and definitely.

The united will of these Congresses, the Council of the People's Commissaries, resolved to base their activity upon



the question of the nationalities of Russia, as expressed in the following principles:

1. The equality and sovereignty of the peoples of Russia.
2. The right of the peoples of Russia to free self-determination, even to the point of separation and the formation of an independent state.
3. The abolition of any and all national and national-religious privileges and disabilities.
4. The free development of national minorities and ethnographic groups inhabiting the territory of Russia.

The concrete decrees which follow will be framed immediately upon the formation of a commission for the affairs of nationalities.

#### DECLARATION OF THE RIGHTS OF THE LABORING AND EXPLOITED PEOPLE

The form of the following declaration is explained by the fact that it was prepared for submission to the Constituent Assembly, which, however, broke up without acting upon it.

The Central Executive Committee proclaims the following basic principles:

#### I

The Constituent Assembly resolves:

1. Russia is declared to be a République of Soviets of Workmen's, Soldiers' and Peasants' Deputies. All the power in the centre and in the provinces belongs to these Soviets.
2. The Russian Soviet Republic is formed on the basis of a free union of free nations, as a federation of national Soviet republics.

#### II

Taking as its fundamental task the abolition of any exploitation of man by men, the complete elimination of the division of society into classes, the ruthless suppression of exploiters, the establishment of a socialistic organization of society and the victory of Socialism in all countries, the Constituent Assembly resolves, further:

1. To effect the socialization of the land, private ownership of land is abolished, and the whole land fund is declared common national property and transferred to the laborers without compensation, on the basis of equalized use of the soil.

All forests, minerals, and waters of state-wide importance, as well as the whole inventory of animate and inanimate objects, all estates and agricultural enterprises are declared national property.

2. The Soviet law of labor control and the Supreme Board of National Economy are confirmed, with a view to securing the authority of the toilers over the exploiters, as the first step to the complete transfer of all factories, mills, mines, railways, and other means of production and transportation to the ownership of the Workmen's and Peasants' Soviet Republic.

3. The transfer of all banks into the ownership of the Workers' and Peasants' state is confirmed, it being one of the conditions of the emancipation of the laboring masses from the yoke of capital.

4. With a view to the destruction of the parasitic classes of society and the organization of the national economy, universal labor service is established.

5. In the interest of securing all the power for the laboring masses and the elimination of any possibility of the reestablishment of the power of the exploiters, the arming of the toilers, the formation of a socialistic red army of workmen and peasants, and the complete disarmament of the wealthy classes are decreed.

### III

1. Expressing its inflexible determination to wrest humanity from the talons of financial capital and imperialism, which have drenched the earth with blood in this most criminal of wars, the Constituent Assembly subscribes unanimously to the policy of abrogating secret treaties which has been adopted by the Soviet Government, the organization of the widest fraternization with the workmen and peasants of the armies now warring against each other, and the securing, at any cost and by revolutionary measures, of a democratic peace without

annexations and indemnities, on the basis of free self-determination of peoples.

2. For these same purposes the Constituent Assembly insists upon a complete break with the barbarous policy of bourgeois civilization which built the prosperity of the exploiters among the few chosen nations upon the enslavement of hundreds of millions of the laboring population in Asia, in the colonies in general, and in the small countries.

The Constituent Assembly welcomes the policy of the Council of the People's Commissaries which has proclaimed the complete independence of Finland, which has begun the removal of the troops from Persia, and which has declared the freedom of self-determination of Armenia.

The Constituent Assembly views the Soviet law of the repudiation of the loans contracted by the Government of the Czar, the landowners and bourgeoisie, as the first blow to international banking, finance and capital, and expresses its confidence that the Soviet authority will continue to pursue that course until the complete victory of the rising of international labor against the yoke of capital is attained.

#### IV

Having been elected on the basis of party lists made up before the October revolution, when the people could not yet rise *en masse* against the exploiters and did not know the strength of the opposition when the latter defends its class privileges, and when the people had not yet practically undertaken the creation of a socialistic society, the Constituent Assembly would deem it radically wrong, even from a formal point of view, to set itself in opposition to the Soviets.

In substance, the Constituent Assembly considers that now, at the moment of the decisive battle of the people with their exploiters, there can be no place for the latter in any of the organs of government. The power must belong wholly and exclusively to the toiling masses and their plenipotentiaries, the Soviets of Workmen's, Soldiers', and Peasants' Delegates.

Supporting the Soviet Government and the decrees of the

Council of the People's Commissaries, the Constituent Assembly recognizes that its tasks are completed when it has framed a general statement of the fundamental bases of a socialistic reconstruction of society.

At the same time, aiming at the creation of a really free and voluntary and, consequently, a more complete and lasting union of the laboring classes of all the nations of Russia, the Constituent Assembly confines itself to the establishment of the fundamental principles of federation of the Soviet Republic of Russia, leaving it to the workmen and peasants of each nation to decide independently, at their own representative Soviet Congress, whether they wish to participate in the Federal Government and in the other Soviet institutions, and on what basis. . . .

#### CHURCH AND STATE

1. The church is separated from the state.
2. Within the limits of the Republic, it is prohibited to pass any local laws or regulations which would restrict or limit the freedom of conscience or establish any kind of privileges or advantages on the ground of the religious affiliations of citizens.
3. Every citizen may profess any religion or none at all. Any legal disabilities connected with the profession of any religion or none are abolished.

NOTE. From all official acts any indication of the religious affiliation or non-affiliation of citizens is to be omitted.

4. The proceedings of state and other public legal institutions are not to be accompanied by any religious customs or ceremonies.
5. The free observance of religious customs is guaranteed in so far as the same do not disturb the public order and are not accompanied by attempts upon the rights of the citizens of the Soviet Republic. The local authorities have the right to take all necessary measures for the preservation, in such cases, of public order and security.

6. No one may decline to perform his civil duties, giving as a reason his religious views. Exemptions from this law, con-



ditioned upon the substitution of one civil duty for another, are permitted by decision of the people's court in each individual case.

7. Religious or judicial oaths are abolished. In necessary cases a solemn promise only is given.

8. Acts of a civil nature are performed exclusively by civil authorities, such as the departments of registration of marriages and births.

9. The school is separated from the church. The teaching of religious doctrines in all state and public, as well as in private, educational institutions in which general subjects are taught, is forbidden. Citizens may teach and study religion privately.

10. All church and religious societies are subject to the general regulations governing private associations and unions, and do not enjoy any privileges or subsidies either from the state or from its local autonomous and self-governing institutions.

11. Compulsory collection of payments and assessments for the benefit of church or religious societies, or as a means of compulsion or punishment of their co-members on the part of these societies, is not allowed.

12. No church or religious society has the right to own property. They have no rights of a juridical person.

13. All the properties of the existing church and religious societies in Russia are declared national property. Buildings and articles specially designated for religious services are, by special decisions of the local or central state authorities, given for free use by corresponding religious societies.

#### SUPREME BOARD OF NATIONAL ECONOMY

1. The Supreme Board of National Economy is established under the Council of the People's Commissaries.

2. The task of the Supreme Board of National Economy is the organization of the national economy and state finances. For that purpose the Supreme Board of National Economy elaborates general standards and a plan for the regulation of



the economic life of the country, coördinates and unifies the activity of the central and local regulating institutions (fuel board, metal board, transport board, central supplies committee, etc., and the respective People's Commissaries of commerce and industry, supplies, agriculture, finances, war, and navy, etc.) of the All-Russian Board of Workmen's Control, and also of the corresponding activities of factory and trade organizations of the working class.

3. The Supreme Board of National Economy is given the right of confiscation, requisition, sequestration, and compulsory syndication of various branches of industry and commerce, and other measures in the domain of production, distribution, and state finances.

4. All existing institutions for the regulation of the national economy are subordinated to the Supreme Board of National Economy, which is given the right to reform them.

5. The Supreme Board of National Economy is formed: (a) of the All-Russian Board of Workmen's Control, whose personnel is determined by the decree of November 14, 1917; (b) of representatives of all the People's Commissaries; (c) of learned persons, who are invited and have a consulting vote.

6. The Supreme Board of National Economy is divided into sections and departments (as fuel, metal, demobilization, finance, etc.), and the number and the sphere of activity of these sections and departments are determined by the entire Board.

7. The departments of the Supreme Board of National Economy conduct the work of regulating the separate branches of national economic life, and also prepare the measures of the respective People's Commissaries.

8. The Supreme Board of National Economy forms out of its membership a bureau of fifteen persons, for the coördination of the current work of the sections and departments and the performance of tasks which demand immediate attention.

9. All projects of law and large measures which have reference to the regulation of the national economy in its entirety

are submitted to the Council of the People's Commissaries through the Supreme Board of National Economy.

10. The Supreme Board of National Economy unifies and directs the Soviets of Workmen's, Soldiers', and Peasants' Deputies, which include the local organs of workmen's control, and also the local commissaries of labor, commerce and industry, supplies, etc. In the absence of corresponding economic branches, the Supreme Board of National Economy forms local organs.

All decisions of the Supreme Board of National Economy are binding upon the economic departments of the local Soviets, which constitute the local organs of the Supreme Board of National Economy.

#### NATIONALIZATION OF BANKS

In the interest of the regular organization of the national economy, of the thorough eradication of bank speculation and the complete emancipation of the workmen, peasants, and the whole laboring population from the exploitation of banking capital, and with a view to the establishment of a single national bank of the Russian Republic which shall serve the real interests of the people and the poorer classes, the Central Executive Committee resolves:

1. The banking business is declared a state monopoly.
2. All existing private joint-stock banks and banking offices are merged in the state bank.
3. The assets and liabilities of the liquidated establishments are taken over by the state bank.
4. The order of the merger of private banks in the state bank is to be determined by a special decree.
5. The temporary administration of the affairs of the private banks is entrusted to the board of the state bank.
6. The interests of the small depositors will be safeguarded.

*December 14, 1917*

## THE LAW OF REGIONAL AND LOCAL BOARDS OF NATIONAL ECONOMY

1. For the purpose of the organization and regulation of the entire economic life of every industrial region, in conformity with general state and local interests, under the regional and local Soviets of Workmen's, Soldiers', and Peasants' Deputies, there are organized regional Boards of National Economy, as local institutions for the organization and the regulation of production, directed by the Supreme Board of National Economy and acting under the general control of the respective Soviet of Workmen's, Soldiers' and Peasants' Deputies.

2. The Regional Board of National Economy is formed: (a) of the collegia elected at the joint conferences of producers' trade unions and factory committees (mining, commercial, industrial, transport, etc.), and also at conferences of land committees called by the Soviets of Workmen's, Soldiers' and Peasants' Deputies; (b) of representatives of Soviets of Workmen's, Soldiers' and Peasants' Deputies and democratic coöperative societies; (c) of representatives of the technical, administrative, and commercial management of enterprises (numbering not more than one-third of the entire membership of the board).

Representatives of departments participate in the deliberations of the Regional Board of National Economy and have a consulting vote.

3. The Regional Board of National Economy is divided into sections, according to the branches of economic life: (1) state economy and banks, (2) fuel, (3) metal manufacture, (4) textile manufacture, (5) cotton manufacture, (6) wood, (7) mineral substances, (8) animal products, (9) alimentary and gastronomic substances, (10) chemical products, (11) construction works, (12) transport, (13) agriculture, (14) supplies and consumption, or other sections which the Regional Board of National Economy, owing to local circumstances, may find necessary.

Each section which takes charge of any branch of production is divided into four main departments: (1) organization:

(a) management, (b) financing, and (c) technical organization of enterprises; (2) supply and distribution; (3) labor; (4) statistical. Kindred departments of the sections, by meeting jointly, form conferences (1) on organization, (2) on supplies and distribution, (3) on labor questions, (4) on statistics. They maintain permanent business bureaus.

The Board of National Economy forms also other inter-sectional conferences, as on demobilization, etc.

4. The Regional Board of National Economy elects an executive committee which directs all the activity of the Board, its departments, sections, and bureaus.

The Regional Board of National Economy elects a presidium which constitutes the presidium of the executive committee and of the separate committees of the Regional Board of National Economy.

5. The Regional Board of National Economy has jurisdiction over the following matters:

(a) The consideration and solution of questions of principle and those common to the whole region; the unification and direction of the activities of the lower organs of workmen's control in the region, the regulation of their mutual relations, the composition and elaboration of detailed instructions for them regarding different questions of control.

(b) The direction, under the supervision of the Supreme Board of National Economy, of the management of private enterprises which have become the property of the Republic.

(c) The investigation of conflicts not settled by the local organs.

(d) The investigation of all the needs of the region as to fuel, raw material, means of production, labor force, transportation facilities, supplies, and, in general, articles of prime necessity.

(e) The accounting of raw material, unfinished products, goods, labor forces, implements, and other articles of production.

(f) The taking of measures for the satisfaction of the wants and economic needs of the population, rural economy, etc.

(g) The establishment of regulations and plans for the distribution of general state supplies in the region.

(h) The formation of plans for the distribution of orders among the enterprises.

(i) The regulation of transport in the region.

(j) The establishment of strict supervision over the entire economic life of the region with regard to organization, finances, etc.

(k) The taking of measures for the most complete utilization of the productive forces of the region, in the industries as well as in rural economy.

(l) The establishment of bases of distribution of the labor forces, materials, fuel, means of production, goods, supplies, etc.

(m) The taking of measures for the improvement of the sanitary-hygienic conditions of labor.

6. All regulating institutions of local significance come under the jurisdiction of the respective Regional Boards of National Economy, and all employees, together with the technical and administrative apparatus, are placed at the disposal of the Regional Board of National Economy.

7. All decisions of the Regional Board of National Economy have a compulsory character, and must be carried out by all local institutions and also by the directorates of enterprises.

The decisions of the Regional Board of National Economy can be suspended and vacated only by the Supreme Board of National Economy.

8. The limits of the economic regions are fixed by a congress of Regional Boards of National Economy and, until its meeting, by the Supreme Board of National Economy.

9. All Regional Boards of National Economy must, immediately upon formation, enter into business connection with the Supreme Board of National Economy, obeying its directions upon questions affecting general state interests.

10. The formation of Boards of National Economy of smaller regions (provincial, district, etc.), modelled after the organization of Regional Boards of National Economy, is left



to the initiative of provincial Soviets of Workmen's, Soldiers', and Peasants' Deputies. The establishment of the sphere of their activity and their general direction and coördination devolve upon the Regional Board of National Economy.

#### THE PROVINCIAL SOVIET ORGANIZATION

The scheme of the general statutes of Soviets of Workmen's, Soldiers', Peasant, and Cossack Deputies, as a representative organ, is no less necessary for the obscure places in our provinces than is the scheme of the departments and sub-departments of the Soviets.

The statutes of the Soviets may be divided into sections, as follows: (1) the purpose of the organization of Soviets; (2) the basis of representation; (3) sections of the Soviet; (4) elections of the presidium and executive committee of the Soviet; (5) the functions of the presidium; (6) the executive committee and its functions; (7) general sessions; (8) committees.

##### 1. The purpose of the organization of the Soviet.

The Soviet of Workmen's, Soldiers', Peasant, and Cossack Deputies is the sovereign state organ of revolutionary democracy, in addition to the organization of governmental authority in the provinces. The Soviet pursues the following objects:

(a) The organization of the large laboring masses of workmen, peasants, soldiers, and Cossacks;

(b) The struggle against counter-revolutionary currents and the strengthening of the Soviet Republic and all liberties gained by the October revolution.

##### 2. The basis and order of representation in the Soviets.

(a) A Soviet of Workmen's, Soldiers', Peasant, and Cossack Deputies is constituted of one or two representatives each of all workmen's, soldiers', peasant, and Cossack organizations (parties, trade unions, committees, etc.) in the cities, villages, and settlements.

(b) The peasants elect two representatives from each township to the district Soviet (a township Soviet has one or two representatives from each small town, village, or hamlet).

(c) The Cossacks elect two representatives (or three) from each village to the Regional Soviet of Workmen's, Soldiers', Peasant, and Cossack Deputies, and one representative each from a *forepost* [small settlement], hamlet, or small town to the village Soviet. (In Cossack territories the peasant representation in the Regional Soviet is proportional, according to the villages).

(d) The workmen and all proletarian laboring masses in cities where the urban proletariat does not exceed 5,000 or 6,000 persons have representation on the following basis:

(1) Every enterprise employing 100 persons sends one representative.

(2) Enterprises employing from 100 to 200 persons send two representatives; from 200 to 300 persons, three representatives, etc.

(3) Enterprises employing less than fifty persons, combine, if possible, with other small kindred enterprises and send a common representative to the Soviet. Those unable to combine may send their representative independently.

(e) The soldiers of a local garrison (Cossacks, sailors) send to the Soviet their representatives on the following principle: each company, squadron, command, etc., elects two representatives to the Soviet; clerks, hospital attendants, horse reserves, and other small units, send one representative each.

Addenda to paragraph 2. (1) Every member newly elected to the Soviet must present a certificate from his constituents, which is examined by the credentials committee; (2) if a member of the Soviet deviates from the instructions of his constituents then the constituents have the right to recall him and elect another in his place; (3) each section (the workmen's, the soldiers', etc.) of the Soviet has the right to include in its membership experienced and necessary workers by coöptation up to one-fifth of its entire membership. Those added by coöptation have the right of a consulting vote at general sessions of the Soviet in the committees and sections.

3. Sections of the Soviet: (a) a Soviet has four sections: peasant, workmen's, soldiers', and Cossack; (b) each section

elects from its membership a presidium consisting of a chairman, two vice-chairmen, and two secretaries, which directs all the business of the section; (c) the representation in the presidium is proportional to the membership of this or that party group.

4. Election of the Presidium and Executive Committee: (a) The members of the Soviet, in each section, elect a presidium, which is chosen at a general meeting by a universal, direct, equal and secret vote, in the proportion and number indicated in paragraph 3 (Sections of the Soviet); (b) the presidia of all sections of the Soviet constitute the general presidium of the Soviet, which elects from its membership a general chairman of all sections, two vice-chairmen, and two secretaries; (c) besides the presidium, the general assembly of the Soviet elects from its membership an executive committee, proportionate to the membership of each party group (not section), so arranged that the membership of the executive committee shall not exceed one-fourth of the entire membership of the Soviet; (d) the members of the presidium form a part of the membership of the Executive Committee on an equal basis with the other members.

5. The Functions of the Presidium: (a) The presidium is the directing organ of the entire Soviet and decides independently all matters which cannot suffer delay; (b) the presidium meets not less than four times a week; (c) the presidium renders an account of its activity to the executive committee and to the entire Soviet, who have the right to recall them and to replace them at any time and period; (d) the presidium must in its activity abide strictly by the instructions of the executive committee and the general assembly.

6. The Executive Committee and its Functions: (a) The executive committee of the Soviet is an organ formed out of the membership of the Soviet (paragraph 4). The president, or one of the vice-presidents of the Soviet is the chairman of the executive committee (paragraph 4); (b) all current business of the Soviet is decided and carried on by the executive committee, and only matters of particular importance are sub-

mitted to the decision of the general assembly of the Soviet; (c) questions considered by the executive committee are passed or rejected by a relative majority of votes. On questions of extraordinary importance a minority report is received, entered upon the records, and reported to the general assembly; (d) questions are decided by an open vote, and only in matters of extraordinary importance, at the request of members of the executive committee, by a secret ballot; (e) a session of the executive committee is considered legal when not less than one-half of its membership is present; (f) members of the executive committee who for one reason or another cannot attend a session of the executive committee must notify the member of the executive committee on duty to that effect not later than half an hour before the opening of the session; (g) members of the executive committee who have been absent from three sessions without sufficient reason are deprived of the right to vote at two sessions, and the presidium notifies their constituents regarding the case; (h) the executive committee meets once a week (irrespective of special sessions); (i) special sessions, to consider questions of extraordinary importance, are called by the chairman or the vice-chairmen or by three members of the executive committee; (j) members of the executive committee must be notified of a special session by a summons not later than two hours before the opening of the session; (k) a special session is legal with any number of members present; (l) the sessions of the executive committee may be open or executive; (m) members of the executive committee are on duty in the reception rooms of the Soviet, one from each section, by turns.

7. General Sessions: (a) general sessions of the Soviets are called by the presidium whenever necessity arises, but not less than twice a month; (b) general sessions may be regarded as legal when half of the entire membership of the Soviet is present; special sessions, when any number are present; (c) all questions submitted for the consideration of the general assembly must first be passed upon either by the executive committee or by the presidium; (d) a general session may be



called also at the request of one-fifth of the membership of the Soviet; (e) admission to the sessions of the Soviet is by ticket only; (f) the sessions may be open or executive by decision of the presidium or of the assembly itself.

8. Committees: (a) committees are elected in each case by the general assembly, by the executive committee, or by the presidium; (b) the membership of a committee is determined by the assembly; (c) the chairman of each committee makes a report about the work of the committee to the general assembly of the Soviet, the executive committee, and the presidium; (d) auditing committees, control committees, etc., for the examination of the Soviet affairs, are selected only by the general assembly of the Soviet; (e) each committee has the right of independent coöptation of learned persons with the privilege of a consulting vote.

#### INSTRUCTIONS REGARDING THE RIGHTS AND DUTIES OF SOVIETS

1. Soviets of Workmen's, Soldiers', and Peasants' Deputies, being local organs, are quite independent in regard to questions of a local character, but always act in accord with the decrees of the central Soviet Government as well as of the larger bodies (district, provincial, and regional Soviets) of which they form a part.

2. Upon the Soviets, as organs of government, devolve the tasks of administration and service in all departments of local life—administrative, economic, financial, and educational.

3. Under administration, the Soviets carry out all decrees and decisions of the central Government, take measures for giving the people the widest information about those decisions, issue obligatory ordinances, make requisitions and confiscations, impose fines, suppress counter-revolutionary organs of the press, make arrests, and dissolve public organizations which incite active opposition or the overthrow of the Soviet Government.

NOTE. The Soviets render a report to the central Soviet Government regarding all measures undertaken by them and important local events.



4. The Soviets elect from their number an executive organ which is charged with the duty of carrying out their decisions and the performance of the current work of administration.

NOTE 1. The Military-Revolutionary Committees, as fighting organs which came into existence during the revolution, are abolished.

NOTE 2. As a temporary measure, it is permitted to appoint Commissaries in those provinces and districts where the power of the Soviet is not sufficiently well established or where the Soviet Government is not exclusively recognized.

5. The Soviets, being organs of government, are allowed credits from state funds for three months upon the presentation of detailed budgets.

### *Instructions Regarding the Organization of Soviets*

At the session of the collegium under the People's Commissary for Internal Affairs, on January 9, 1918, instructions as to the organization of Soviets of Workmen's, Soldiers', and Peasants' Deputies were voted as follows:

In all Soviets, in place of the old, antiquated government institutions, the following departments or commissariats must first be organized:

1. Administration, in charge of the domestic and foreign relations of the Republic and technically unifying all the other departments.

2. Finances, whose duty is the compilation of the local budget, the collection of local and state taxes, the carrying out of measures for the nationalization of the banks, the administration of the People's Bank, control over the disbursements of national funds, etc.

3. Board of National Economy, which organizes the manufacture of most necessary products of factory, mill, and home industries, determines the amount of raw materials and fuel, obtains and distributes them, organizes and supplies the rural economy, etc.

4. Land, whose duty is to make an exact survey of the land, forests, waters, and other resources, and their distribution for purposes of utilization.

5. Labor, which must organize and unite trade unions, factory and mill committees, peasant associations, etc., and also create insurance organizations of all kinds.

6. Ways of Communication, whose duty is the taking of measures for the nationalization of the railways and steamship enterprises, the direction of this most important branch of the national economy, the building of new roads of local importance, etc.

7. Post, Telegraph, and Telephone, which must aid and develop these state enterprises.

8. Public Education, which looks after the education and instruction of the population in the school and out of school, establishes new schools, kindergartens, universities, libraries, clubs, etc., carries out measures for the nationalization of printing-shops, the publication of necessary periodicals and books and their circulation among the population, etc.

9. Legal, which must liquidate the old courts, organize people's and arbitration courts, take charge of places of detention, reform them, etc.

10. Medical-Sanitary, whose duty is sanitary-hygienic supervision, the organization of medical aid accessible to all, sanitary equipment of urban and rural settlements, etc.

11. Public Realty, whose duty is the regulation of the housing problem, supervision over confiscated and public buildings, the construction of new ones, etc.

NOTE. Soviets are advised to utilize the organizational apparatus of Zemstvo and municipal institutions, with appropriate changes, when forming the departments.

At the same session was passed the draft of the decree fixing the boundaries of provinces, districts, etc., as follows:

1. Questions of changes of boundaries of provinces, districts, or townships are to be settled entirely by the local Soviets of Workmen's, Soldiers', Peasants', and Laborers' Deputies.

2. When parts of one province or territory are included in another, the technical questions and misunderstandings which

arise are dealt with by mixed commissions of the interested Provincial Soviets or their congress.

3. A similar procedure is followed when the boundaries of a district or township are rectified at the expense of another.

4. Territories, provinces, districts, and townships may also be divided into parts, forming new administrative economic units.

5. Detailed data regarding all such changes are reported to the Commissary for Internal Affairs.

#### THE PEOPLE'S COURT

The Council of People's Commissaries resolves:

1. To abolish all existing general legal institutions, such as district courts, courts of appeal, and the governing Senate with all its departments, military and naval courts of all grades, as well as commercial courts, and to replace all these institutions with courts established on the basis of democratic elections.

Regarding further procedure and the continuation of unfinished cases a special decree will be issued.

Beginning October 25 of this year, the passage of time limits is stopped until the issuance of a special decree.

2. To abolish the existing institution of justices of the peace, and to replace the justices of the peace heretofore elected by indirect vote, by local courts consisting of a permanent local judge and two jurors, the latter of whom are summoned in pairs to each session from special lists of jurors. Local judges are henceforth to be elected on the basis of direct democratic vote, and, until the time of such elections, are to be chosen by regional and township Soviets, or, where there are none such, by district, city, and provincial Soviets of Workmen's, Soldiers', and Peasants' Deputies.

These same Soviets make up the lists of alternating jurors and determine the time of their presence at the session.

The former justices of the peace are not deprived of the right to be elected as local judges, either temporarily by the Soviets or finally by a democratic election, if they express their consent thereto.

Local judges adjudicate all civil cases to an amount not exceeding 3,000 roubles, and criminal cases if the accused is liable to a penalty of not more than two years' deprivation of freedom. The verdicts and rulings of the local courts are final and no appeal can be taken against them. In cases in which the recovery of over 100 roubles in money or deprivation of freedom for more than seven days is adjudged, a request for review is allowed.

The court of cassation is the district session, and in the capitals the metropolitan session, of local judges.

For the trial of criminal cases at the fronts, local judges are elected by regimental Soviets in the same order, and where there are none, by the regimental committees.

Regarding procedure in other legal cases, a special decree will be issued.

3. To abolish all existing institutions of investigating magistrates and the procurator's office, as well as the grades of counsellors-at-law and private attorneys.

Until the reformation of the entire system of legal procedure, the preliminary investigation in criminal cases is made by the local judges singly, but their orders of personal detention and indictment must be confirmed by the decision of the entire local court.

As to the functions of prosecutors and counsel for defense, who are allowed even in the stage of preliminary investigation, and in civil cases the functions of solicitors, all citizens of moral integrity, of either sex, who enjoy civil rights, are allowed to perform them.

4. For the transfer and further direction of cases and suits, proceedings of the legal bodies as well as of officials engaged in preliminary investigation and the procurator's office, and also of the associations of counsellors-at-law, the respective local Soviets elect special commissaries, who take charge of the archives and the properties of those bodies.

All the lower and clerical personnel of the abolished institutions are ordered to continue in their positions and to perform, under the general direction of the commissaries, all duties



necessary in order to dispose of unfinished cases, and also to give information on appointed days to interested persons about the state of their cases.

5. Local judges try cases in the name of the Russian Republic, and are guided in their rulings and verdicts by the laws of the Governments which have been overthrown only in so far as those laws are not annulled by the revolution, and do not contradict the revolutionary conscience and revolutionary conception of right.

NOTE. All those laws are considered annulled which contradict the decrees of the Central Executive Committee of the Soviets of Workmen's, Soldiers', and Peasants' Deputies and the Workmen's and Peasants' Government, also the minimum programs of the Russian Social-Democratic Labor Party and the party of Socialist-Revolutionaries.

6. In all civil as well as criminal cases the parties may resort to the arbitration court. The organization of the arbitration court will be determined by a special decree.

7. The right of pardon and restoration of rights of persons convicted in criminal cases belongs henceforth to the legal authorities.

8. For the struggle against the counter-revolutionary forces by means of measures for the defense of the revolution and its accomplishments, and also for the trial of proceedings against profiteering, speculation, sabotage, and other misdeeds of merchants, manufacturers, officials, and other persons, workmen's and peasants' revolutionary tribunals are established, consisting of a chairman and six jurors, serving in turn, elected by provincial or city Soviets of Workmen's, Soldiers' and Peasants' Deputies.

For the conduct of the preliminary investigation in such cases, special investigating commissions are formed under the above Soviets.

All existing investigating commissions are abolished, and their cases and proceedings are transferred to the newly formed investigating commissions.

*November 24, 1917*



## INSTRUCTIONS TO THE REVOLUTIONARY TRIBUNAL

The Revolutionary Tribunal is guided by the following instructions:

1. The Revolutionary Tribunal has jurisdiction in cases of persons (a) who organize uprisings against the authority of the Workmen's and Peasants' Government, actively oppose the latter or do not obey it, or call upon other persons to oppose or disobey it; (b) who utilize their position in the state or public service to disturb or hamper the regular progress of work in the institution or enterprise in which they are or have been serving (sabotage, concealing or destroying documents or property, etc.); (c) who stop or reduce production of articles of general use without actual necessity for so doing; (d) who violate the decrees, orders, binding ordinances and other published acts of the organs of the Workmen's and Peasants' Government, if such acts stipulate a trial by the Revolutionary Tribunal for their violation; (e) who, taking advantage of their social or administrative position, misuse the authority given them by the revolutionary people. Crimes against the people committed by means of the press are under the jurisdiction of a specially instituted Revolutionary Tribunal.

2. The Revolutionary Tribunal for offenses indicated in Article 1 imposes upon the guilty the following penalties: (1) fine, (2) deprivation of freedom, (3) exile from the capitals, from particular localities, or from the territory of the Russian Republic, (4) public censure, (5) declaring the offender a public enemy, (6) deprivation of all or some political rights, (7) sequestration or confiscation, partial or general, of property, (8) sentence of compulsory public work.

The Revolutionary Tribunal fixes the penalty, being guided by the circumstances of the case and dictates of the revolutionary conscience.

3. (a) The Revolutionary Tribunal is elected by the Soviets of Workmen's, Soldiers', and Peasants' Deputies and consists of one permanent chairman, two permanent substitutes, one permanent secretary and two substitutes, and forty jurors.

All persons, except the jurors, are elected for three months and may be recalled by the Soviets before the expiration of the term.

(b) The jurors are selected for one month from a general list of jurors by the Executive Committees of the Soviets of Workmen's, Soldiers', and Peasants' Deputies by drawing lots, and lists of jurors numbering six, and one or two in addition, are made up for each session.

(c) The session of each successive jury of the Revolutionary Tribunal lasts not longer than one week.

(d) A stenographic record is kept of the entire proceedings of the Revolutionary Tribunal.

(e) The grounds for instituting proceedings are: reports of legal and administrative institutions and officials, public, trade, and party organizations, and private persons.

(f) For the conduct of the preliminary investigation in such cases an investigating commission is created under the Revolutionary Tribunal, consisting of six members elected by the Soviets of Workmen's, Soldiers', and Peasants' Deputies.

(g) Upon receiving information or complaint, the investigating commission examines it and within forty-eight hours either orders the dismissal of the case, if it does not find that a crime has been committed, or transfers it to the proper jurisdiction, or brings it up for trial at the session of the Revolutionary Tribunal.

(h) The orders of the investigating commission about arrests, searches, abstracts of papers, and releases of detained persons are valid if issued jointly by three members. In cases which do not permit of delay such orders may be issued by any member of the investigating commission singly, on the condition that within twelve hours the measure shall be approved by the investigating commission.

(i) The order of the investigating commission is carried out by the Red Guard, the militia, the troops, and the executive organs of the Republic.

(j) Complaints against the decisions of the investigating commission are submitted to the Revolutionary Tribunal

through its president, and are considered at executive sessions of the Revolutionary Tribunal.

(k) The investigating commission has the right: (a) to demand of all departments and officials, as well as of all local self-governing bodies, legal institutions and authorities, public notaries, social and trade organizations, commercial and industrial enterprises, and governmental, public, and private credit institutions, the delivery of necessary documents and information, and of unfinished cases; (b) to examine, through its members or special representatives, the transactions of all above enumerated institutions and officials in order to secure necessary information.

4. The sessions of the Revolutionary Tribunal are public.

5. The verdicts of the Revolutionary Tribunal are rendered by a majority of votes of the members of the Tribunal.

6. The legal investigation is made with the participation of the prosecution and defense.

7. (a) Citizens of either sex who enjoy political rights are admitted at the will of the parties as prosecutors and counsel for the defense, with the right to participate in the case.

(b) Under the Revolutionary Tribunals a collegium of persons is created who devote themselves to the service of the law, in the form of public prosecution as well as of public defense.

(c) The above-mentioned collegium is formed by the free registration of all persons who desire to render aid to revolutionary justice, and who present recommendations from the Soviets of Workmen's, Soldiers', and Peasants' Deputies.

8. The Revolutionary Tribunal may invite for each case a public prosecutor from the membership of the above-named collegium.

9. If the accused does not for some reason use his right to invite counsel for defense, the Revolutionary Tribunal, at his request, appoints a member of the collegium for his defense.

10. Besides the above-mentioned prosecutors and defense, one prosecutor and one counsel for defense drawn from the public present at the session, may take part in the court's proceedings.

11. The verdicts of the Revolutionary Tribunal are final. In case of violation of the form of procedure established by these instructions, or the discovery of indications of obvious injustice in the verdict, the People's Commissary of Justice has the right to address to the Central Executive Committee of the Soviets of Workers', Soldiers', and Peasants' Deputies a request to order a second and last trial of the case.

12. The maintenance of the Revolutionary Tribunal is charged to the account of the state. The amount of compensation and the daily fees are fixed by the Soviets of Workers', Soldiers', and Peasants' Deputies. The jurors receive the difference between the daily fees and their daily earnings, if the latter are less than the daily fees; at the same time the jurors may not be deprived of their positions during the session.

*December 19, 1917*

#### THE REVOLUTIONARY TRIBUNAL OF THE PRESS

1. Under the Revolutionary Tribunal is created a Revolutionary Tribunal of the Press. This Tribunal will have jurisdiction of crimes and offenses against the people committed by means of the press.

2. Crimes and offenses by means of the press are the publication and circulation of any false or perverted reports and information about events of public life, in so far as they constitute an attempt upon the rights and interests of the revolutionary people.

3. The Revolutionary Tribunal of the Press consists of three members, elected for a period not longer than three months by the Soviet of Workmen's, Soldiers', and Peasants' Deputies. These members are charged with the conduct of the preliminary investigation as well as the trial of the case.

4. The following serve as grounds for instituting proceedings: reports of legal or administrative institutions, public organizations, or private persons.



5. The prosecution and defense are conducted on the principles laid down in the instructions to the general Revolutionary Tribunal.

6. The sessions of the Revolutionary Tribunal of the Press are public.

7. The decisions of the Revolutionary Tribunal of the Press are final and are not subject to appeal.

8. The Revolutionary Tribunal imposes the following penalties: (1) fine, (2) expression of public censure, which the convicted organ of the Press brings to the general knowledge in a way indicated by the Tribunal, (3) the publication in a prominent place or in a special edition of a denial of the false report, (4) temporary or permanent suppression of the publication or its exclusion from circulation, (5) confiscation to national ownership of the printing-shop or property of the organ of the Press if it belongs to the convicted parties.

9. The trial of an organ of the Press by the Revolutionary Tribunal of the Press does not absolve the guilty persons from general criminal responsibility.

*December 18, 1917*

TO THE SOVIET OF WORKMEN'S, SOLDIERS', AND PEASANTS'  
DEPUTIES, A REQUEST FOR THE IMMEDIATE ELECTION OF  
COMMISSARIES OF JUSTICE, THEIR DUTIES AND RIGHTS

By the decree of the Council of the People's Commissaries [November 24, 1917], the general legal institutions and justices' courts, the procurator's office, the institutions of investigating magistrates, counsellors-at-law and private attorneys, are abolished. Until the creation of permanent legal institutions, elect immediately Commissaries of Justice.

The duties of the elected Commissaries are the safe-keeping of archives and the property of the courts, the direction of unfinished cases, and the giving of information to interested persons. In view of the approach of the time for rendering semi-annual and annual financial reports for 1917, the elected Commissaries are requested to take measures for the imme-



diate preparation and delivery of the above-mentioned reports in the established form and order. The publications of the official "Gazette of the Provisional Workmen's and Peasants' Government" are to serve as a guide to the local authorities.

Report the beginning of the activity of the new courts, their structure, the names of the Commissaries of Justice. Report the tentative budgets of the legal department for 1918.

The credits of the legal department which were not used locally in 1917, you may use by order of the Soviets.

Instructions for the Revolutionary Tribunal of the Press, and for general courts, criminal and civil, are being prepared.

#### DECREE CONCERNING MARRIAGE, CHILDREN, AND REGISTRATION OF CIVIL STATUS

The Russian Republic henceforth recognizes civil marriage only.

Civil marriage is performed on the basis of the following rules:

1. Persons who wish to contract marriage declare [their intention] orally or by a written statement to the department of registration of marriages and births at the city hall (regional, district, township, Zemstvo institutions), according to the place of their residence.

NOTE. Church marriage is a private affair of those contracting it, while civil marriage is obligatory.

2. Declarations of intention to contract marriage are not accepted (a) from persons of the male sex younger than eighteen years, and of the female sex, sixteen years of age; in Transcaucasia the native inhabitants may enter into marriage upon attaining the age of sixteen for the groom and thirteen for the bride; (b) from relatives in the direct line, full and half-brothers and sisters; consanguinity is recognized also between a child born out of wedlock and his descendants on one side and relatives on the other; (c) from married persons, and (d) from insane.

3. Those wishing to contract marriage appear at the department of registration of marriages and sign a statement concerning the absence of the obstacles to contracting marriage enumerated in Article 2 of this decree, and also a statement that they contract marriage voluntarily.

Those guilty of deliberately making false statements about the absence of the obstacles enumerated in Article 2 are criminally prosecuted for false statements and the marriage is declared invalid.

4. Upon the signing of the above-mentioned statement, the director of the department of registration of marriages records the act of marriage in the book of marriage registries and then declares the marriage to have become legally effective.

When contracting marriage the parties are allowed to decide freely whether they will henceforth be called by the surname of the husband or wife or by a combined surname.

As proof of the act of marriage, the contracting parties immediately receive a copy of the certificate of their marriage. . . .

5. Complaints against the refusal to perform marriage or incorrect registration are lodged, without limitation of time, with the local judge in the locality where the department of registration of marriage is; the ruling of the local judge on such complaint may be appealed in the usual way.

6. In case the former books of registration of marriages have been destroyed, or lost in some other way, or if for some other cause married persons cannot obtain a certificate of their marriage, those persons are given the right to submit a declaration to the respective department of registration of marriages, according to the place of residence of both parties or one of them, to the effect that they have been in the state of wedlock since such and such time. Such declaration is attested, in addition to the statement stipulated by Article 3, by a further statement of the parties that the book of registration has really been lost or that for some other sufficient cause they cannot obtain a copy of the certificate.

*Registration of Births*

7. The registration of the birth of a child is made by the same department of registration of marriages and births in the place of residence of the mother, and a special entry of each birth is made in the book of registration of births. . .

8. The birth of a child must be reported to the department either by his parents or one of them, or by the persons in whose care, because of the death of his parents, the child remained, with an indication of the name and surname adopted for the child and the presentation of two witnesses to attest the fact of birth.

9. The books of registration of marriages as well as the books of registration of births are kept in two copies, and one copy is sent at the end of the year to the proper court for preservation.

10. Children born out of wedlock are on an equality with those born in wedlock with regard to the rights and duties of parents toward children, and likewise of children toward parents.

The persons who make a declaration and give a signed statement to that effect are registered as the father and mother of the child.

Those guilty of deliberately making false statements regarding the above are criminally prosecuted for false testimony and the registration is declared invalid.

In case the father of a child born out of wedlock does not make such a declaration, the mother of the child or the guardian or the child itself has the right to prove fatherhood by legal means.

*Registration of Deaths*

11. The record of the death of a person is made in the place where the death occurred by the department which has charge of the registration of marriages and births, by entry in a special book for registration of deaths. . .

12. The death of a person must be reported to the department by the legal or administrative authorities or persons in whose care the deceased was.

13. Institutions in charge of cemeteries are henceforth forbidden to place obstacles in the way of the burial on cemetery grounds in accordance with the ritual of civil funerals.

14. All religious and administrative institutions which hitherto have had charge of the registration of marriages, births, and deaths according to the customs of any religious cult, are ordered to transfer immediately all their registration books to the respective municipal, district, rural and Zemstvo administrations.

*December 18, 1917*

#### DECREE REGARDING DIVORCE

1. Marriage is annulled by the petition of both parties or even one of them.

2. The above petition is submitted, according to the rules of local jurisdiction, to the local court.

NOTE. A declaration of annulment of marriage by mutual consent may be filed directly with the department of registration of marriages in which a record of that marriage is kept, which department makes an entry of the annulment of the marriage in the record and issues a certificate.

3. On the day appointed for the examination of the petition for the annulment of marriage, the local judge summons both parties or their solicitors.

4. If the residence of the party who is to be summoned is unknown, the petitioner is allowed to file the petition for annulment of marriage in the place of residence of the absent party last known to the petitioner, or in the place of residence of the petitioner, stating to the court, however, the last known place of residence of the defendant.

5. If the place of residence of the party who is to be summoned is unknown, then the day for the trial of the case is set not earlier than the expiration of two months from the day of



the publication of a notice of summons in the local Government gazette, and the summons is sent to the address of the last known place of residence of the defendant given by the petitioner.

6. Having convinced himself that the petition for the annulment of the marriage really comes from both parties or from one of them, the judge personally and singly renders the decision of the annulment of the marriage and issues a certificate thereof to the parties. At the same time, the judge transmits a copy of his decision to the department of registration of marriages where the annulled marriage was performed and where the book containing a record of this marriage is kept.

7. When annulling a marriage by mutual consent, the parties are obliged to state in their petition what surnames the divorced parties and their children are to bear in the future. But when dissolving the marriage by the petition of one of the parties, and in the absence of an understanding about this matter between the parties, the divorced parties preserve their own surnames, and the surname of the children is determined by the judge, and in case of disagreement of the parties, by the local court.

8. In case the parties are agreed on the matter, the judge, simultaneously with the decision of annulment of the marriage, determines with which of the parents the minor children begotten of the marriage shall live, and which of the parents must bear the expense of maintenance and education of the children, and to what extent and also whether and to what extent the husband is obliged to furnish food and maintenance to his divorced wife.

9. But if no understanding shall be reached, then the participation of the husband in furnishing his divorced wife with food and maintenance when she has no means of her own or has insufficient means and is unable to work, as well as the question with whom the children are to live, are decided by a regular civil suit in the local court, irrespective of the amount of the suit. The judge, having rendered the decision annulling the marriage, determines temporarily, until the settlement of



the dispute, the fate of the children, and also rules on the question of the temporary maintenance of the children and the wife, if she is in need of it.

10. Suits for adjudging marriages illegal or invalid belong henceforth to the jurisdiction of the local court.

11. The operation of this law extends to all citizens of the Russian Republic irrespective of their adherence to this or that religious cult.

12. All suits for annulment of marriage which are now tried in ecclesiastical consistories of the department of Greek-Catholic and other denominations, in the governing synod and all other institutions of the Christian and non-Christian religions, and by officials in charge of ecclesiastical affairs of all denominations, and in which no decisions have been rendered or the decisions already rendered have not become legally effective, are declared by reason of this law null and void, and are subject to immediate transfer to the local district courts for safe-keeping, with all archives in the possession of the above-enumerated institutions and persons having jurisdiction in divorce suits. The parties are given the right to file a new petition for the annulment of the marriage according to this decree, without awaiting the dismissal of the first suit, and a new summons for absent parties (paragraphs 4 and 5) is not obligatory if such a summons was published in the former order.

*December 18, 1917*

#### EIGHT-HOUR LAW

1. This law applies to all establishments and industries irrespective of their size or to whom they belong, and to all persons employed in hired labor.

2. The working time, or the number of working hours in a day, is considered to be the time during which, according to the contract of employment (Articles 48, 60, 96, 98, and 103 of the Industrial Labor Law), the workman is obliged to be in the industrial establishment at the disposal of its superintendent for the performance of the work.

NOTE 1. In underground work the time taken by the descent into the mine and ascent to the surface is considered working time.

NOTE 2. The working time of workmen sent to perform any kind of labor beyond the boundaries of an establishment is determined by special agreement with the workmen.

3. The working time fixed by the rules governing the internal organization of the establishment (Clause 1, Article 103 of the Industrial Labor Law) must not exceed eight working hours in a day and forty-eight hours in a week, including therein also the time employed in cleaning the engine and in putting the premises in order.

On Christmas eve (December 24) and on the Pentecost holiday (Whitsunday) work is stopped at 11 o'clock in the morning.

4. Not later than six hours after the commencement of work a free interval for rest and eating must be designated. The interval must not be shorter than one hour.

Free recesses during work are those which are fixed by the rules of the internal organization; during such recesses the workman is free to dispose of his time and to leave the boundaries of the establishment.

During the free recesses in working time the engines, lathes, and benches must be stopped; exceptions from this rule are allowed only for those over-time works which are performed in accordance with Articles 18-22 of this law, as well as for engines and motors which are working for ventilation, water supply, lighting, etc.; moreover, work may not be stopped in those manufactories in which stoppage is impossible for technical reasons (such as unfinished casting or unfinished polishing).

NOTE 1. Establishments whose work is recognized by law or by the main chamber of labor as continuous, and which is performed in three shifts a day, do not observe the rules regarding recesses, but are obliged to give the workman the right to take food during his work.

NOTE 2. If a workman, owing to the conditions of his work, cannot absent himself from the place of work to take food, then

a room or place is to be provided for him for that purpose. The setting aside of a special room for the above purpose is obligatory for those workmen who, when working, come in contact with materials recognized by the rulings of the main board of factory and mining industries (or the organ taking its place) as injurious to the health of the workmen (lead, mercury, etc.).

5. The general duration of all recesses during twenty-four hours shall not exceed two hours.

6. Night time is considered the time between 9 o'clock in the evening and 6 o'clock in the morning.

7. In the night time it is forbidden to utilize the labor of workers of the female sex, or of workers of the male sex under sixteen years of age.

8. For enterprises working two shifts of workmen, the night time is considered from 9 o'clock in the evening until 5 o'clock in the morning, while the free recesses (Article 4) may be reduced to half an hour for each shift.

9. In those cases where, by request of the workers (for instance, in brick works) or on account of climatic conditions, it is desired to make the midday recess more lengthy, the main board of factory and mining industries (or the organ taking its place) may permit a corresponding departure from the rules in Articles 4, 5, 6, and 8 of this statute.

10. When hiring minors under eighteen years of age the following rules in addition to the above are applied: (a) minors under fourteen years are not permitted to work for hire; (b) the working time of minors under eighteen may not be longer than six hours a day.

NOTE. Beginning January 1, 1919, all persons who have not reached fifteen years are not permitted to work for hire, and beginning January 1, 1920, those who have not reached twenty years of age.

11. In the table of holidays on which work is stopped (Clause 2, Article 103 of Industrial Labor Law) are included all Sundays and the following holidays: January 1, January 6, February 27, March 25, May 1, August 15, September 14, December 25 and 26, Friday and Saturday of Passion week,

Monday and Tuesday of Easter week, Ascension Day, and the second day of Pentecost.

NOTE 1. For non-Christians it is permitted to include other holidays instead of Sundays, according to the precepts of their religion; of the remaining holidays mentioned in this article only those are obligatory for them which are not indicated in the following note.

NOTE 2. By the consent of the majority of workmen of an establishment or industry, or a part of them, the holidays of January 1 and 6, August 15, September 14, December 26, Saturday of Passion week and Easter Monday may be replaced by other free days.

12. In one-shift day work the least duration of the Sunday and holiday rest given each workman is fixed at forty-two hours. In two-shift work with two complements of workmen, and in three-shift work with three complements of workmen, the least duration of a Sunday and holiday rest for each workman is fixed by agreement with the workmen's organizations.

13. By mutual agreement of the superintendent of the establishment or industry with the people employed by it, the latter may, as a departure from the rules about holidays indicated in Article 11, be engaged in work on a holiday instead of on a week-day. Such an understanding must immediately be reported to the proper officials who look after the execution of this law.

14. The main board of factory and mining industries (or the organ taking its place) is given the right to issue regulations permitting, to the extent of real necessity, departures from the rules set forth in Articles 3, 4, 5, and 8 for those establishments which, by the nature of their production for the satisfaction of public needs, must perform the work in the night time or must work irregularly at different seasons of the year (for instance, work for lighting and water supply of cities).

15. In manufactories and works in which the workmen are subjected to the operation of particularly unfavorable conditions, or to dangers of occupational poisoning (such as



work in an extraordinarily high temperature, in mercury and bleaching factories, etc.), the working time indicated in Articles 3-5 and 8 is subject to further reduction. A list of such works and manufactories, with the indication of the duration of the working time permissible in each line of work, as well as other conditions of the work, is to be compiled by the main board of factory and mining industries (or the organ which takes its place).

16. Women and youths of either sex under eighteen years of age are not permitted to work underground.

17. A departure from the rules stated in Articles 3-5 and 8-12 is permitted by agreement with the workmen and with the approval of the workmen's organizations with regard to workmen engaged in auxiliary work, such as repairs, care of boilers, motors, lathes, factory heating, water supply, lighting of the factory buildings, guard and fire duty, and in general such work without whose preliminary performance the industrial enterprise cannot be put in operation at the fixed time and which must of necessity be performed after the stoppage of the work.

18. The work which is performed by the workman at a time when, according to the tables of working time; he is not supposed to work is considered over-time. Over-time work is permitted only when conditions stated in Articles 19-23 of this statute are observed and when it is paid for at a double rate.

19. All persons of the female sex, and persons of the male sex who have not reached eighteen years of age, are not permitted to work over-time.

20. Workmen of the male sex older than eighteen years may work over-time with the permission of the workmen's organization only in the following cases: (a) when over-time work is necessary in order to finish in time the work begun, which because of unforeseen and accidental delay could not by the mechanical conditions of production be finished in the normal working time (according to the rules of the establishment), and when the stoppage of that work at the set time might cause danger or injury to materials and the mechanism (work with



chemical processes, casting, etc., may be considered of that nature); (b) for the performance of work necessary to avert danger to life or property, or for the removal of accidental causes which have disturbed the technical conditions necessary for the regular water supply, lighting, sanitation, and urgent public communication; (c) when working on necessary repairs in case of sudden injury to boilers, motors, lathes, and, in general, unforeseen derangement of mechanisms, apparatus, or structures (buildings, dams, etc.) which cause the stoppage of the work of the entire establishment or any of its branches; (d) when performing temporary work in any branch of the establishment in cases where because of fire, break-down, or unforeseen circumstances, the work of one or other branch of the establishment was stopped for some time or entirely and when this work is necessary for the full operation of the other branches of the establishment.

21. In such a case as is mentioned in the last paragraph of Article 20 it is necessary to obtain from the commissar of labor or labor inspector a special permit for over-time work; and in the application for such permit the daily duration of such work and the time during which it will be performed must be indicated. About over-time work specified in Clauses *b* and *c* of Article 20, ordinary notice is given.

22. All over-time work is recorded in the workmen's account books by special entry, with an indication of the pay due for it; in addition, a special over-time account has to be kept in the office books for each workman separately.

23. Over-time work under conditions stated in Articles 19-22 is allowed on not more than fifty days in a year for each separate establishment, and each day of over-time work in a branch is counted even if on that day only one workman did over-time work in that branch.

24. The duration of over-time work of each individual workman must in no case exceed four hours for two days in succession.

25. For some time, until the end of military operations, in the establishments working for defense, the rules limiting the

duration of over-time work (Articles 19-24) and those about recesses during the work (Articles 4-6) may be suspended by agreement with the workmen and the workmen's organizations.

26. This law is to be put into operation by telegraph and becomes effective immediately. For its violation offenders are liable to imprisonment for a period not longer than one year.

*October 29, 1917*

## REGULATION CONCERNING THE ADMINISTRATION OF NATIONAL UNDERTAKINGS

### *Part I*

1. The Central Administration of Nationalized Undertakings, of whatever branch of industry, assigns for each large nationalized undertaking technical and administrative directors, in whose hands are placed the actual administration and direction of the entire activity of the undertaking. They are responsible to the Central Administration and the Commissioner appointed by it.

2. The technical director appoints technical employees and gives all orders regarding the technical administration of the undertaking. The factory committee may, however, complain regarding these appointments and orders to the Commissioner of the Central Administration, and then to the Central Administration itself; but only the Commissioner and Central Administration may stop the appointments and order of the technical director.

3. In connection with the Administrative Director there is an Economic Administrative Council, consisting of delegates from laborers, employees, and engineers of the undertaking. The Council examines the estimates of the undertaking, the plan of its works, the rules of internal distribution, complaints, the material and moral conditions of the work and life of the workmen and employees, and likewise all questions regarding the progress of the undertaking.

4. On questions of a technical character relating to the enterprise the Council has only a consultative voice, but on other questions a decisive voice, on condition, however, that the Administrative Director appointed by the Central Administration has the right to appeal from the orders of the Council to the Commissioner of the Central Administration.

5. The duty of acting upon decisions of the Economic Administrative Council belongs to the Administrative Director.

6. The Council of the enterprise has the right to make representation to the Central Administration regarding a change of the directors of the enterprise, and to present its own candidates.

7. Depending on the size and importance of the enterprise, the Central Administration may appoint several technical and administrative directors.

8. The composition of the Economic Administrative Council of the enterprise consists of (a) a representative of the workmen of the undertaking; (b) a representative of the other employees; (c) a representative of the highest technical and commercial personnel; (d) the directors of the undertaking, appointed by the Central Administration; (e) representatives of the local or regional council of professional unions, of the people's economic council, of the council of workmen's deputies, and of the professional council of that branch of industry to which the given enterprise belongs; (f) a representative of the workmen's coöperative council, and (g) a representative of the Soviet of peasants' deputies of the corresponding region.

9. In the composition of the Economic Administrative Council of the enterprise, representatives of workmen and other employees, as mentioned in points (a) and (b) of Article 8, may furnish only half of the number of members.

10. The workmen's control of nationalized undertakings is realized by leaving all declarations and orders of the factory committee, or of the controlling commission, to the judgment and decision of the Economic Administrative Council of the enterprise.

11. The workmen, employees, and highest technical and commercial personnel of nationalized undertakings are in duty bound before the Russian Soviet Republic to observe severe industrial discipline, and to carry out conscientiously and accurately the work assigned to them. To the Economic Administrative Council are given judicial rights, including that of dismissal without notice for longer or shorter periods, together with the declaration of a boycott for non-proletariat recognition of their rights and duties.

12. In the case of those industrial branches for which central administrations have not yet been formed, all their rights are vested in provincial councils of the national economy, and in corresponding industrial sections of the Supreme Council of the National Economy.

13. The estimates and plan of work of a nationalized undertaking must be presented by its Economic Administrative Council to the central administration of a given industrial branch at least as often as once in three months, through the provincial organizations, where such have been established.

14. The management of nationalized undertakings, where such management has heretofore been organized on other principles because of the absence of a general plan and general orders for the whole of Russia, must now be reorganized, in accordance with the present regulation, within the next three months [*i. e.*, by the end of May, new style].

15. For the consideration of the declarations of the Economic Administrative Council concerning the activity of the directors of the undertaking at the central administration of a given branch of industry, a special section is established, composed one-third of representatives of general governmental, political, and economic institutions of the proletariat, one-third of representatives of workmen and other employees of the given industrial branch, and one-third of representatives of the directing, technical, and commercial personnel and its professional organizations.

16. The present order must be posted on the premises of each nationalized undertaking.



NOTE. Small nationalized enterprises are managed on similar principles, with the proviso that the duties of technical and administrative directors may be combined in one person, and the numerical strength of the Economic Administrative Council may be cut down by the omission of representatives of one or another institution or organization.

## *Part II*

17. A Central Administration [Principal Committee] for each nationalized branch of industry is to be established in connection with the Supreme Council of the National Economy, to be composed one-third of representatives of workmen and employees of a given industrial branch; one-third of representatives of the general proletariat, general governmental, political, and economic organizations and institutions (Supreme Council of National Economy, the People's Commissioners, All-Russian Council of Professional Unions, All-Russian Council of Workmen's Coöperative Unions, Central Executive Committee of the Councils of Workmen's Delegates) and one-third of representatives of scientific bodies, of the supreme technical and commercial personnel, and of democratic organizations of all Russia (Council of the Congresses of All Russia, coöperative unions of consumers, councils of peasants' deputies).

18. The Central Administration selects its bureau, for which all orders of the Central Administration are obligatory, which conducts the current work and carries into effect the general plans for the undertaking.

19. The Central Administration organizes provincial and local administrations of a given industrial branch, on principles similar to those on which its own organization is based.

20. The rights and duties of each Central Administration are indicated in the order concerning the establishment of each of them, but in each case each Central Administration unites, in its own hands (a) the management of the enterprises of a given industrial branch, (b) their financing, (c) their technical unification or reconstruction, (d) standardization of the working conditions of the given industrial branch



21. All orders of the Supreme Council of National Economy are obligatory for each Central Administration; the Central Administration comes in contact with the Supreme Council in the person of the bureau of productive organization of the Supreme Council of National Economy through the corresponding productive sections.

22. When the Central Administration for any industrial branch which has not yet been nationalized is organized, it has the right to sequester the enterprises of the given branch, and equally, without sequestration, to prevent its managers completely or in part from engaging in its administration, appoint commissioners, give orders, which are obligatory, to the owners of non-nationalized enterprises, and incur expenses on account of these enterprises for measures which the Central Administration may consider necessary; and likewise to combine into a technical whole separate enterprises or parts of the same, to transfer from some enterprises to others fuel and customers' orders, and establish prices upon articles of production and commerce.

23. The Central Administration controls imports and exports of corresponding goods for a period which it determines, for which purpose it forms a part of the general governmental organizations of external commerce.

24. The Central Administration has the right to concentrate in its hands and in institutions established by it, both the entire preparation of articles necessary for a given branch of industry (raw material, machinery, etc.), and the disposal to enterprises subject to it of all products and acceptance of orders for them.

### *Part III*

25. Upon the introduction of nationalization into any industrial branch, or into any individual enterprise, the corresponding Central Administration (or the temporary Central Administration appointed with its rights) takes under its management the nationalized enterprises, each separately,

and preserves the large ones as separate administrative units, annexing to them the smaller ones.

26. Until the nationalized enterprises have been taken over by the Central Administration (or principal commissioner), all former managers or directorates must continue their work in its entirety in the usual manner, and under the supervision of the corresponding commissioner (if one has been appointed), taking all measures necessary for the preservation of the national property and for the continuous course of operations.

27. The Central Administration and its organs establish new managements and technical administrative directorates of enterprises.

28. Technical administrative directorates of nationalized enterprises are organized according to Part I of this Regulation.

29. The management of a large undertaking, treated as a separate administrative unit, is organized with a view to securing, in as large a measure as possible, the utilization of the technical and commercial experience accumulated by the undertaking; for which purpose there are included in the composition of the new management not only representatives of the laborers and employees of the enterprise (to the number of one-third of the general numerical strength of the management) and of the Central Administration itself (to the number of one-third or less, as the Central Administration shall see fit), but also, as far as possible, members of former managements, excepting persons specially removed by the Central Administration and, upon their refusal, representatives of any special competent organizations, even if they are not proletariat (to a number not exceeding one-third of the general membership of the management).

30. When nationalization is introduced, whether of the entire branch of the industry or of separate enterprises, the Central Administrations are permitted, in order to facilitate the change, to pay to the highest technical and commercial personnel their present salaries, and even, in case of refusal on their part to work and the impossibility of filling their places

with other persons, to introduce for their benefit obligatory work and to bring suit against them.

31. The former management of each nationalized undertaking must prepare a report for the last year of operation and an inventory of the undertaking, in accordance with which inventory the new management verifies the properties taken over. The actual taking over of the enterprise is done by the new management immediately upon its confirmation by the principal committee, without waiting for the presentation of the inventory and report.

32. Upon receipt in their locality of notice of the nationalization of some enterprise, and until the organization of the management and its administration by the Central Administration (or the principal commissioner, or institution having the rights of the principal commissioner) the workmen and employees of the given enterprise, and, if possible, also the Council of Workmen's Deputies, the Council of National Economy, and Council of Professional Unions, select temporary commissioners, under whose supervision and observation (and, if necessary, under whose management) the activity of the undertaking continues. The workmen and employees of the given enterprise, and the regional councils of national economy, of professional unions, and of workmen's delegates have the right also to organize temporary managements and directorates of nationalized enterprises until the same are completely established by the Central Administration.

33. If the initiative for the nationalization of a given enterprise comes, not from the general governmental and proletarian organs authorized for that purpose, but from the workmen of a given enterprise or from some local or regional organization, then they propose to the Supreme Council of National Economy, in the person of its bureau of organization of production, that the necessary steps be undertaken through the proper production sections, according to the decree of 28 February regarding the method of confiscating enterprises.

34. In exceptional cases local labor organizations are given the right to take temporarily under their management the

given enterprise, if circumstances do not permit of awaiting the decision of the question in the regular order, but on condition that such action be immediately brought to the notice of the nearest provincial council of national economy, which then puts a temporary sequestration upon the enterprise pending the complete solution of the question of nationalization by the Supreme Council of National Economy; or, if it shall consider the reasons insufficient, or nationalization clearly inexpedient, or a prolonged sequestration unnecessary, it directs a temporary sequestration or even directly reestablishes the former management of the enterprise under its supervision, or introduces into the composition of the management representatives of labor organizations.

35. The present order must be furnished by the professional unions of all Russia to all their local divisions, and by the councils of factory committees to all factory committees, and must be published in full in the *Isvestia* of all provincial councils of workmen's and peasants' deputies.

*Published March 7, 1918*

THE SUPPLY OF AGRICULTURAL IMPLEMENTS TO FACTORY  
AND MILL COMMITTEES AND REPRESENTATIVES  
OF MANUFACTURING ENTERPRISES

The Supreme Board of National Economy has now undertaken the organization of the entire business of supplying the agricultural population with agricultural machinery and implements. In order that all this work may be carried out successfully, it is necessary that the Supreme Board of National Economy should have at its disposal exact information about all those establishments which at this moment have already changed or are about to change to the production of agricultural machinery. Only with all this information at hand will it be possible to organize systematically this branch of national economy, which is most important for the Russian Republic, and to avoid in the future those ills which may be



caused by an unorganized change from war production to peace work.

In view of what has been said, we urgently request all factory and mill committees and manufacturers, or their organizations, to furnish in writing the most complete information about their establishments which have to do with the manufacture of agricultural machinery, indicating the number of workmen, the machine equipment, and the possible minimum production per month, together with a statement of the machines and implements (type and patent), necessary in rural economy, for which they can take orders.

In view of the exceptional importance of the matter of supplying our rural economy, we respectfully request the provincial papers to reprint this appeal.

#### ORDERS OF THE PEOPLE'S COMMISSIONER OF EDUCATION OF THE WESTERN PROVINCES AND FRONT

The following orders are selected from a group of six educational documents published at Petrograd, March 10, 1918. The omitted orders, Nos. 3-5, relate to the budget for 1919 and to routine matters. The private libraries mentioned in No. 2 apparently include only private circulating libraries.

##### *No. 1*

##### *To all primary and secondary educational institutions of the western provinces*

I propose to the administration of all the above-mentioned educational institutions, from the date of the publication of this order, not to discharge students for non-payment of dues. As to those who have already been discharged before this order was published, they must immediately be reinstated.

I propose to all departments of public education in local Soviets of Workmen's, Soldiers', and Peasants' Deputies, to attend strictly to the carrying out of my order. The question of the legal position of students who have not paid their school dues will be explained in the near future.

No special notification will be given to each educational institution, and the present order becomes the law of the land from the date of its publication in the newspaper *Sovietskaya Pravda* [*Soviet Truth*].

*No. 2*

Having in mind to afford to the large popular masses access to books, the Commissariat on Public Education will shortly proceed to regulate the library business and its reorganization on new principles. In view of this the Commissioner directs that:

I. All libraries found within the boundaries of the western provinces and front, and belonging to municipalities, public institutions, or organizations of various sorts, or to private persons, are taken over for the benefit of public educational institutions in local Soviets of Workmen's, Soldiers', and Peasants' Deputies, and, in the city of Smolensk, by the local section of public education of the provincial Commissariat.

II. All institutions, organizations, and private persons possessing libraries in the city of Smolensk must, within five days following the date of the publication of this order in the newspaper *Sovietskaya Pravda*, present to the Commissariat on Public Education exact information concerning:

1. the location of the libraries belonging to them;
2. the number of volumes found in the libraries;
3. the contents of the libraries (complete catalogues of the books must be presented; and in case such do not exist, then general information concerning the character of the books collected);
4. the periodical publications subscribed to by the libraries;
5. the number of subscribers.
6. the rules adopted for the use of these books;

NOTE. This order does not affect persons who have libraries consisting of less than 500 volumes, if these libraries are not intended for public readers.

III. In case reading-rooms are found at those libraries, it is necessary to indicate:

1. the list of periodical publications found in the reading-room;
2. statistical data, if such are at hand, regarding the reading-room visitors.

IV. Institutions, organizations, and private persons possessing libraries outside the boundaries of the city of Smolensk and of the Government of Smolensk must present the information indicated above, within a week from the date of the publication of this order, in the proper section of local Soviets of Workmen's, Soldiers', and Peasants' Deputies. The latter, upon receipt of the data, must furnish copies of the same to the Commissioner of Public Education of the Western Provinces and Front.

V. Those who fail to comply with this order will be turned over to the military revolutionary tribunal.

#### *No. 6*

It is the duty of all owners of moving-picture houses in the city of Smolensk, from the date of the publication of this order in the newspaper *Sovietskaya Pravda*, to present for approval to the provincial Commissariat on Public Education the programmes and librettos of the pictures proposed to be exhibited by them.

It is forbidden to show pictures not approved by the Commissariat.

In those cases in which the Commissariat shall find it necessary the pictures, before being shown to the public, must be shown for examination to persons specially designated by the Commissariat.

Moving-picture enterprises not complying with this order will be at once confiscated.

#### DECREE ABOLISHING INHERITANCE

I. Inheritance, whether by law or by will, is abolished. After the death of an owner, the property which belonged to

him, whether movable or immovable, becomes the property of the Government of the Russian Socialistic Soviet Federative Republic.

NOTE. The discontinuance and transfer of rights of utilization of farm lands is determined by the rules provided in the fundamental law of the socialization of the land.

II. Until the issuance of a decree dealing with general social arrangements, relatives who are in need (*i. e.*, those who do not possess a minimum maintenance), and who are incapable of work—such relatives being in a directly ascending or descending line, full or half brothers or sisters, or spouse, of the deceased—receive support from the property left by the deceased.

NOTE 1. No distinction is made between the relationship that arises within wedlock and that which arises outside of wedlock.

NOTE 2. Adopted relatives or children and their descendants are put upon the same footing as relatives by descent whether as to those who adopted them or as to those who have been adopted.

III. If there is not enough of the property remaining to support a spouse and all surviving relatives, as enumerated above, then the most needy of them must be provided for first.

IV. The amount of allowance to be given a spouse and surviving relatives from the property of the deceased is determined by the institution conducting the affairs of social security in the Governments, and in Moscow and Petrograd by the municipal Soviets of Workmen's and Peasants' Deputies, in agreement with the persons who have the right to receive the allowance, and, in case of dispute between them, by the local court, according to the usual legal procedure. Cases of this sort are under the jurisdiction of the Soviets of Workmen's and Peasants' Deputies and the local courts of the last place of residence of the deceased.

V. All property of the deceased, other than that enumerated in Article IX of this decree, comes under the jurisdiction of the local Soviet, which turns it over to the bureaus or insti-



tutions having control in those localities of similar property of the Russian Republic, according to the last place of residence of the deceased or according to the place where this property is situated.

VI. The local Soviet publishes, for the purpose of general notification, the death of the property owner, and calls upon the persons who have a right to receive support from the said property to appear within a year from the date of the publication.

VII. Those who do not declare their claims before the expiration of the year following the publication, as provided in the above article, lose their right to receive support from the property of the deceased.

VIII. From the property of the deceased are paid, first, the expenses of the administration of the property. The relatives and spouse of the deceased receive their allowances before the creditors are paid. The creditors of the deceased, if their claims are recognized as proper to be paid, are satisfied from the property after the deductions indicated above, on condition, in case the property is insufficient to cover all demands of the creditors, that the general principles of the meeting of creditors be applied.

IX. If the property of the deceased does not exceed 10,000 rubles, or, in particular, consists of a farmhouse, domestic furniture, and means for economical production by work, in either the city or the village, it comes under the immediate control of the spouse and relatives enumerated in Article II of the present decree, who are present. The method of control and management of the property is arranged by agreement between the spouse and relatives, and, in case of their disagreement, by the local tribunal.

X. The present decree is retroactive as regards all inheritances discovered before it was issued, if they have not yet been acquired by the heirs, or, if acquired, if they have not yet been taken possession of by the heirs.

XI. All suits now pending respecting inheritances, suits respecting the probate of wills, respecting the confirmation of

the rights of inheritance, etc., are deemed to be discontinued, and the respective hereditary property is to be at once turned over for administration to the local Soviets or institutions indicated in Article V of the present decree.

NOTE. Concerning hereditary properties discovered before the present decree is issued—properties enumerated in Article IX of the present decree—a special regulation will be issued.

XII. The People's Commissioner of Justice is empowered, in agreement with the Commissariat of Social Security and Work, to issue a detailed instruction concerning the enforcement of the present decree.

The present decree is of force from the date of its signature, and is to be put into operation by telegraph.

*April 27, 1918*

#### DECREE REGARDING GRAIN CONTROL

The disastrous undermining of the country's food supply, the serious heritage of the four years' war, continues to extend more and more, and to be more and more acute. While the consuming provincial Governments are starving, in the producing Governments there are at the present moment, as before, large reserves of grain of the harvests of 1916 and 1917 not yet even threshed. This grain is in the hands of tight-fisted village dealers and profiteers, of the village bourgeoisie. Well fed and well provided for, having accumulated enormous sums of money obtained during the years of war, the village bourgeoisie remains stubbornly deaf and indifferent to the wailings of starving workmen and peasant poverty, and does not bring the grain to the collecting points. The grain is held with the hope of compelling the Government to raise repeatedly the prices of grain, at the same time that the holders sell their grain at home at fabulous prices to grain speculators.

An end must be put to this obstinacy of the greedy village grain-profiteers. The food experience of former years showed that the breaking of fixed prices and the denial of grain monop-

oly, while lessening the possibility of feasting for our group of capitalists, would make bread completely inaccessible to our many millions of workmen and would subject them to inevitable death from starvation.

The answer to the violence of grain-owners towards the starving poor must be violence towards the bourgeoisie.

Not a pood [40 lbs. Russian] should remain in the hands of those holding the grain, except the quantity needed for sowing the fields and provisioning their families until the new harvest.

This policy must be put into force at once, especially since the German occupation of the Ukraine compels us to get along with grain resources which will hardly suffice for sowing and curtailed use.

Having considered the situation thus created, and taking into account that only with the most rigid calculation and equal distribution of all grain reserves can Russia pass through the food crisis, the Central Executive Committee of all Russia has decreed:

1. Confirming the fixity of the grain monopoly and fixed prices, and also the necessity of a merciless struggle with grain speculators, to compel each grain owner to declare the surplus above what is needed to sow the fields and for personal use, according to established normal quantities, until the new harvest, and to surrender the same within a week after the publication of this decision in each village. The order of these declarations is to be determined by the People's Food Commissioner through the local food organizations.

2. To call upon workmen and poor peasants to unite at once for a merciless struggle with grain-hoarders.

3. To declare all those who have a surplus of grain and who do not bring it to the collecting points, and likewise those who waste grain reserves on illicit distillation of alcohol and do not bring them to the collecting points, enemies of the people; to turn them over to the Revolutionary Tribunal, imprison them for not less than ten years, confiscate their entire property, and drive them out forever from the communes;

while the distillers are, besides, to be condemned to compulsory communal work.

In case an excess of grain which was not declared for surrender, in compliance with Article 1, is found in the possession of anyone, the grain is to be taken away from him without pay, while the sum, according to fixed prices, due for the undeclared surpluses is to be paid, one-half to the person who points out the concealed surpluses, after they have been placed at the collecting points, and the other half to the village commune. Declarations concerning the concealed surpluses are made by the local food organizations.

Further, taking into consideration that the struggle with the food crisis demands the application of quick and decisive measures, that the more fruitful realization of these measures demands in its turn the centralization of all orders dealing with the food question in one organization, and that this organization appears to be the People's Food Commissioner, the Central Executive Committee of all Russia hereby orders, for the more successful struggle with the food crisis, that the People's Food Commissioner be given the following powers:

1. To publish obligatory regulations regarding the food situation, exceeding the usual limits of the People's Food Commissioner's competence.

2. To abrogate the orders of local food bodies and other organizations contravening the plans and actions of the People's Commissioner.

3. To demand from institutions and organizations of all departments the carrying out of the regulations of the People's Food Commissioner in connection with the food situation without evasions and at once.

4. To use the armed forces in case resistance is shown to the removal of food grains or other food products.

5. To dissolve or reorganize the food agencies in places where they might resist the orders of the People's Commissioner.

6. To discharge, transfer, turn over to the Revolutionary Tribunal, or subject to arrest officials and employees of all



departments and public organizations in case of interference with the orders of the People's Commissioner.

7. To transfer the present powers, in addition to the right to subject to arrest, above, to other persons and institutions in various places, with the approval of the Council of the People's Commissioners.

8. All understandings of the People's Commissioner, related in character to the Department of Ways of Communication and the Supreme Council of National Economy, are to be carried through upon consultation with the corresponding departments.

9. The regulations and orders of the People's Commissioner, issued in accordance with the present powers, are verified by his college, which has the right, without suspending their operation, of referring them to the Council of Public Commissioners.

10. The present decree becomes effective from the date of its signature and is to be put into operation by telegraph.

*Published May 14, 1918*

#### DECREE REGARDING GOVERNMENT PUBLICATIONS

Taking into consideration on the one hand the idleness which for various reasons exists among printers, and on the other the scarcity of books, the People's Commission on Education, through its literary publishing department and in coöperation with the departments of education outside the schools, school departments, and departments of science and art, and with the assistance of representatives of the printers' union, and other interested societies, as the Commission shall see fit, and of experts specially invited by it, shall immediately undertake extensive publication.

First in order must come a cheap popular edition of the Russian classics. Those works for which the period of authors' rights has ended must be republished.

The works of all authors thus transferred from private to public ownership may, by a special order of the National Commissioner on Education regarding each author, be declared a

Government monopoly, for a period, however, not exceeding five years. The Commission is to make use of this right with regard to those literary celebrities whose works, in accordance with this law, become the property of the people.

The publication of these works may be arranged in two series:

A complete scientific edition, the editorship of which should be entrusted to the department of Russian language and letters of the Academy of Sciences (after its democratization and adaptation to the new governmental and public life of Russia).

An abbreviated edition of selected works. Each selection is to constitute a single, compact volume. In the selection the editor is to be guided, among other considerations, by the suitability of the works to the working people, for whose benefit these popular editions are intended. Both the entire collection and separate, more important works, are to be accompanied by prefaces by authoritative critics, historians of literature, etc. To edit these popular publications a special college should be created of prominent representatives of educational, literary, and scientific societies, specially invited experts, and delegates of workmen's organizations. Editors, confirmed by this Commission of Publication Control, must present to that body their plans of publication together with their commentaries of every description.

The popular edition of classics is to be sold at cost, and, if means shall permit, even below cost, and may even be given free through the libraries which serve the working democracy.

The Government Publishing House should further see to the publication of all sorts of text-books. The bringing up to date and correction of old manuals should be carried on through a special commission on manuals, consisting of delegates from educational, scientific, and democratic organizations, and specially invited experts.

The Government Publishing House is likewise granted the right to subsidize publications, both periodicals and books, undertaken by societies and individuals and acknowledged to be useful to the general public, with the proviso that these sub-

sides, if the publication proves to be profitable, shall be refunded to the Government as a first lien.

In order to undertake immediately this important public business of the Soviet of People's Commissaries, it is proposed to appropriate and place at the disposal of the Government Commission on Education the sum of a million and a half rubles.

All printing orders should be given exclusively at the direction of the Printers' Union which regulates its distribution through the autonomous commissions of the various printing offices.

#### THE NEW INSURANCE LAW OF RUSSIA <sup>1</sup>

One of the most important decrees issued by the Soviet Government of Russia was the "Law of the Insurance Council," the text of which follows:

1. The Insurance Council is instituted under the People's Commissary of Labor for the supervision of all matters relating to the insurance of workmen.

2. The Insurance Council consists of twenty-four members from the insured, four from the All-Russian Central Council of Trade Unions, two each from the All-Russian Central Council of factory and mill committees and agricultural laborers' committees, three from the People's Commissariat of Labor, one from the People's Commissariat of Justice, eight from employers, and one each from Zemstvo and municipal self-governments, from physicians, and from lawyers.

3. The Insurance Council elects from its number a chairman, two vice-chairmen, and two secretaries.

4. The members of the Council from the People's Commissariats are appointed by order of the respective People's Commissaries.

5. The period of incumbency of the elected members of the Council is fixed at one year.

<sup>1</sup> This decree and the two decrees following are reprinted by permission from the International Relations Section of *The Nation*, February 22, 1919.

6. The members of the Council from Zemstvo and city self-governments, and from physicians and lawyers, are elected, respectively, by the main head committees of the All-Russian Zemstvo Union and Union of Cities, by the directorate of the Society of Russian Physicians in memory of N. I. Pirogoff, and by the All-Russian Association of Lawyers.

7. The members of the Council from insurance funds are elected in accordance with the rules established by the All-Russian conventions of members of the funds assembled in accordance with Article 27 of this law.

8. The members of the Council from the All-Russian Trades Council and All-Russian Central Council of factory and mill committees and agricultural laborers' committees are elected at the respective All-Russian conventions.

9. The members of the Council from employees are elected by the central employers' associations by their mutual consent.

10. Persons of either sex may be elected as members of the Council from insurance funds, trade unions, factory, mill, and agricultural laborers' committees, and also from employers, even if they are not members of insurance funds, trade union, factory, mill, and agricultural laborers' committees, or employers' associations.

11. As substitutes for the members of the Council there are elected twelve from the insured, two from the All-Russian Central Council of Trades Unions, one each from the All-Russian Central Council of the factory, mill, and agricultural laborers' committees, four from employers, and one each from municipal and Zemstvo self-governments, physicians and lawyers, according to Articles 6, 7, 8, and 9.

The substitution of members is made in the order of the majority of votes received in the election and, in case of an equal number of votes, by drawing lots. The substitutes may participate at the sessions of the Council, even if the membership is complete, but in the latter case only with the right of a consulting vote.



12. The members of the Council by election and their substitutes, upon the expiration of the time of their incumbency, continue to perform their duties until new elections. Retiring members may be reelected.

13. Members of the Council receive, for their participation in the labors of the Council, remuneration from the funds of the state treasury, the amount of which is fixed by the statutes of the Council. The amount of remuneration of the substitutes is fixed by the instructions of the Council.

14. The absence of members of the Council from the insurance funds, trade unions, factory, mill, and agricultural laborers' committees, from work of office at the time when they are engaged in the performance of the duties devolving upon them as members of the Council does not give the employer the right to impose upon them fines for absence from work (Industrial Labor law, edition of 1913, articles 104 and 106) or to demand the cancellation of the employment contract.

15. To the sessions of the Council may be invited persons from whom it may be expected to obtain useful information about the matter under discussion. When considering matters which concern the jurisdiction of the people's commissariats which have no representatives on the Council, such persons are invited by arrangement with the respective People's Commissary. Invited persons enjoy the right of a consulting vote.

16. The direction of the business of the Insurance Council devolves upon the bureau of the Council, which is elected by the general assembly of the Council. The sessions of the Council are called by the bureau whenever necessary. Matters are submitted for the consideration of the Council in the order established by the bureau of the Council. Members of the Council have the right to submit through the bureau, for consideration by the Council, questions which relate to matters in its jurisdiction.

17. The Insurance Council has jurisdiction in the following cases:

(a) the issuance, within the limits of the laws in force, of regulations and instructions concerning all kinds of workmen's insurance, as well as the issuance of rules establishing the order of operation of local insurance institutions in charge of these matters;

(b) the examination of objections which may arise from the application by the local insurance institutions of the laws governing questions of workmen's insurance;

(c) the annulment of the decisions of insurance boards against which, by law, appeals may be taken to the Council;

(d) the consideration of complaints against the decisions of the insurance boards submitted to the Insurance Council;

(e) the fixing of the amount of remuneration of members of the insurance boards for participation in the labors of these boards;

(f) the issuance of rules governing the accounting of insurance funds and other insurance institutions;

(g) the establishment of a general rule for the application of the insurance laws to persons who work in coöperative societies, artisans, those engaged in home industries, and poor peasants who work independently without employing hired labor;

(h) consideration of legislative proposals regarding matters of workmen's insurance, instructions to sections, and the general assembly of the Council;

(i) proposals regarding the inspection of local institutions in charge of insurance, and also the inspection of insurance funds and other insurance institutions;

(j) the consideration of questions having relation to matters within the jurisdiction of the Council and submitted by the People's Commissariat of Labor, as well as by members of the Council through the bureau of the Council.

The Insurance Council has jurisdiction in the following cases in particular:

#### I. Regarding workmen's insurance against sickness:

(a) the establishment of the form and order of furnishing proper information by employers, as well as the keeping of

books and records containing this information, and the order of their submission for examination;

(b) the fixing of time limits for the establishment of hospital funds;

(c) the issuance of regulations governing the equipment and maintenance of medical institutions for members of hospital funds, as well as the extent of medical aid in all its forms;

(d) the establishment of the order and general basis of rendering medical aid to members of hospital funds;

(e) the establishment of the forms of medical reports of institutions which treat members of hospital funds;

(f) the establishment of the form of annual reports about the employment of hospital funds.

## II. Regarding workmen's insurance against accidents:

(a) the establishment of the form of certificate attesting the circumstances under which the accident occurred;

(b) the establishment of time limits for the issuance to pensioners of certificates necessary for receiving a pension;

(c) the establishment of the form of pension books and rules governing their issuance;

(d) the establishment of regulations and the time limit for the delivery of information about the nature of an enterprise and the number of persons employed in it;

(e) the approval of tables for reckoning the capitalized cost of pensions;

(f) the consideration of the basis for calculating the proportions of the insurance contributions of employers;

(g) the establishment and determination of the classes of dangerous occupations;

(h) the selection of the forms of statistical reports about accidents.

## III. Regarding workmen's insurance against unemployment:

(a) the fixing of the amount of the contribution of employers to the unemployment fund in its ratio to wages;

(b) the establishment of rules of deposit, keeping, and disbursement of the all-Russian unemployment fund;

(c) the establishment of the form of the order on which employers shall furnish necessary information;

(d) the examination of complaints against the decisions of insurance boards.

19. The Insurance Council transacts its business in general sessions and in separate sections of the Council.

20. Separate sections are established by the Council for the consideration of questions and business (a) of insurance against sickness, (b) accident insurance, (c) unemployment insurance, (d) old age insurance, etc.

21. The personnel of the sections, the order of their election, and the apportionment of business among the sections is determined by the Council in special instructions for each section.

22. The decisions of the Council are final. The People's Commissary of Labor is given the right of vetoing the decisions of the Council.

23. The general assembly of the Council may order the formation of committees to carry out special missions of the Council or sections and persons who are not members of the Council may be included in those committees.

24. When the inspection is being made, as stipulated in clause *i* of Article 17 of this law, institutions and persons are obliged to produce all books, accounts, and records which have reference to the object of the inspection.

25. The rules of procedure in the general assembly, sections and committees, as well as in the bureau of the Council, are determined by instructions formulated by the Council.

26. The decisions of the Council are published in a special collection which is sent free to local insurance institutions and insurance organizations, as well as governmental and public institutions and organizations, at the discretion of the bureau of the Council. Decisions having a binding character are published for general information in the central organ of the Government.



27. For the consideration of the most important measures of a general character which relate to workmen's insurance, All-Russian and regional conventions of insured are called annually.

(*Note:* The order of elections to the conventions is determined by local workmen's insurance organizations.)

28. The business of the Insurance Council is to be transacted by the department of social insurance of the People's Commissariat of Labor, under the direction of the bureau of the Council.

29. Until the election of the members of the Insurance Council from members of insurance funds in the way provided by Article 7 of this law, the above members of the Council are elected at the Petrograd workmen's insurance conference on the basis of one delegate to 1,000 workmen.

The members of the Insurance Council from employers, until their election in the way indicated in Article 9 of this law, are elected by the Petrograd association of manufacturers.

Complaints against election errors are lodged with the People's Commissariat of Labor.

Signed:

People's Commissary of Labor,

A. SHLIAPNIKOFF

Director of the Department of Social Insurance,

A. VINOKUROFF

Secretary of the Department,

A. PODERIN

*November 29, 1917*

#### REGULATION OF PRICES IN RUSSIA

The following decree, published by the Soviet Government on January 30, 1918, creates "committees on prices" invested with wide powers over the source, price, and distribution of all varieties of commodities:

1. Although the shops in the large cities have not received any goods during the last few months, and all the articles in them were purchased earlier by the proprietors at comparatively low prices, nevertheless at the present time the proprietors demand for these goods prices much higher than those which prevailed four months ago. Accordingly an examination of all books of all shops in all cities and settlements with a population of not less than 10,000 is ordered.

2. In view of the obvious necessity of control over the fixing of prices, committees on prices are created for every class of commercial establishment (dry-goods, haberdashery, hardware, groceries, etc.).

3. The determination of those branches of commerce for each of which a special committee on prices is created is left to a commission of representatives of the local Soviet of Workmen's Deputies, the city council, and the union of commercial-industrial employees in equal numbers (three each from those organizations).

4. The same commission determines which commercial establishments are within the jurisdiction of each committee on prices.

5. Committees on prices, in accordance with this ordinance, are to be created without fail in every city and settlement with a population of not less than 10,000.

6. The members of the committee on prices comprise two representatives of the respective section of commercial-industrial employees, two representatives of consumers' leagues, two representatives of proprietors of the respective commercial establishments, one statistician, and one book-keeper, chosen by the local Soviet of Workmen's Deputies.

7. The committee on prices controls a given branch of commerce in its entirety and directs it on the following principles:

(a) the verification of the disbursements of the commercial establishment for the acquisition, keeping, and organization of the sale of goods, and additional expenses connected with the conduct of the business;

(b) the determination, on this basis, of the normal average price of each product for a given city;

(c) the fixing of an average amount of profit;

(d) the apportionment of the profit among all the shops, with the right of taking as a whole all disbursements and all incomes of all shops of a given branch of commerce in a given city, but so calculated that all proprietors who are personally engaged in their business, and their families, shall be secured at least a suitable maintenance.

8. The committee on prices controls the sources of supply of shops for articles in which they deal, and takes measures for the uninterrupted delivery to the shops of those articles in proper quantities, and in extreme cases, at the expense of the proprietors, making necessary expenditures and organizing the temporary management of those shops whose proprietors cease trading or who maliciously do not take proper measures for securing the supply of goods for the shop, or who violate the rules of the committee.

9. For the unification of the supply of goods to shops, the committee on prices assumes the duty of a purchasing center which supplies all stores under its control; while the proprietors, for that purpose, place at his disposal all their connections, knowledge, and technical and administrative apparatus, and supply such funds as they ordinarily disburse for supplying their shops with goods. The committee on prices has the right to organize purchasing centers, and may increase, in case of necessity, the representation of the proprietors of shops on the committee to four members instead of two.

10. The committee on prices sees to it that the shops under its control carry out all regulations of the authorities regarding the distribution of products among the population whether by cards or on some other basis.

11. The committee on prices of each city elects representatives to the all-city committee on prices, which coördinates the activity of separate committees under the direction of the central, regional, and local boards of national economy, and in accordance with their regulations.

12. For the expense connected with the business of the committees on prices and the maintenance of their personnel, a deduction from the profits of the commercial establishments under their control is made in suitable proportions and by their order.

13. Executive authority for carrying out this ordinance in each city, including the formation of a commission provided for in Clause 3, is given to local trade unions of commercial-industrial employees, and, in case of the absence of such, to the local Soviet of Workmen's Deputies; or, in the absence of such Soviet to the city council or, in case of the absence of such city council, to the local consumers' leagues.

14. This ordinance shall be put into effect not later than the month of February. Persons guilty of its violation are liable to imprisonment for a period not longer than one year, and to a fine at the discretion of the Revolutionary Tribunal.

#### DECREE ABOLISHING CLASSES AND CIVIL RANKS

The following Russian decree was confirmed by the Central Executive Committee of the Soviets of Workmen's and Soldiers' Deputies on November 10, 1917.

1. All classes and class divisions of citizens, class privileges and disabilities, class organizations and institutions which have until now existed in Russia, as well as all civil ranks, are abolished.

2. All designations (as merchant, nobleman, burgher, peasant, etc.), titles (as Prince, Count, etc.), and distinctions of civil ranks (Privy, State, and other Councillors), are abolished, and one common designation is established for all the population of Russia—citizen of the Russian Republic.

3. The properties of the noblemen's class institutions are hereby transferred to corresponding Zemstvo self-governing bodies.

4. The properties of merchants' and burghers' associations are hereby placed at the disposal of corresponding municipal bodies.



5. All class institutions, transactions, and archives are hereby transferred to the jurisdiction of corresponding municipal and Zemstvo bodies.

6. All corresponding clauses of the laws which have existed until now are abolished.

7. This decree becomes effective from the day of its publication, and is to be immediately put into effect, by the local Soviets of Workmen's, Soldiers', and Peasants' Deputies.

## II

## THE RUSSIAN CONSTITUTION

Reprinted by permission from *The Nation*, January 4, 1919

The following translation of the Constitution of the Russian Soviet Republic is made from an official printed text embodying the latest revisions, and required by law to be posted in all public places in Russia.

## CONSTITUTION

(Fundamental Law)

THE RUSSIAN SOCIALIST FEDERATED SOVIET  
REPUBLIC

*Resolution of the 5th All-Russian Congress of Soviets,  
adopted on July 10, 1918*

The declaration of rights of the laboring and exploited people (approved by the third All-Russian Congress of Soviets in January, 1918), together with the Constitution of the Soviet Republic, approved by the fifth Congress, constitutes a single fundamental law of the Russian Socialist Federated Soviet Republic.

This fundamental law becomes effective upon the publication of the same in its entirety in the "Izvestia of the All-Russian General Executive Committee." It must be published by all organs of the Soviet Government and must be posted in a prominent place in every Soviet institution.

The fifth Congress instructs the People's Commissariat of

Education to introduce in all schools and educational institutions of the Russian Republic the study and explanation of the basic principles of this Constitution.

## *Article One*

### DECLARATION OF RIGHTS OF THE LABORING AND EXPLOITED PEOPLE

#### *Chapter One*

1. Russia is declared to be a Republic of the Soviets of Workers', Soldiers', and Peasants' Deputies. All the central and local power belongs to these Soviets.

2. The Russian Soviet Republic is organized on the basis of a free union of free nations, as a federation of Soviet national Republics.

#### *Chapter Two*

3. Bearing in mind as its fundamental problem the abolition of exploitation of men by men, the entire abolition of the division of the people into classes, the suppression of exploiters, the establishment of a Socialist society, and the victory of socialism in all lands, the third All-Russian Congress of Soviets of Workers', Soldiers', and Peasants' Deputies further resolves:

(a) for the purpose of realizing the socialization of land, all private property in land is abolished, and the entire land is declared to be national property and is to be apportioned among husbandmen without any compensation to the former owners, in the measure of each one's ability to till it.

(b) all forests, treasures of the earth, and waters of general public utility, all implements whether animate or inanimate, model farms and agricultural enterprises, are declared to be national property.

(c) as a first step towards complete transfer of ownership to the Soviet Republic of all factories, mills, mines, railways, and other means of production and transportation, the Soviet law for the control by workmen and the establishment of the

Supreme Soviet of National Economy is hereby confirmed, so as to assure the power of the workers over the exploiters.

(d) with reference to international banking and finance, the third Congress of Soviets is discussing the Soviet decree regarding the annulment of loans made by the Government of the Czar, by landowners and the bourgeoisie, and it trusts that the Soviet Government will firmly follow this course until the final victory of the international workers' revolt against the oppression of capital.

(e) the transfer of all banks into the ownership of the Workers' and Peasants' Government, as one of the conditions of the liberation of the toiling masses from the yoke of capital, is confirmed.

(f) universal obligation to work is introduced for the purpose of eliminating the parasitic strata of society and organizing the economic life of the country.

(g) for the purpose of securing the working class in the possession of the complete power, and in order to eliminate all possibility of restoring the power of the exploiters, it is decreed that all toilers be armed, and that a Socialist Red Army be organized and the propertied class be disarmed.

### *Chapter Three*

4. Expressing its absolute resolve to liberate mankind from the grip of capital and imperialism, which flooded the earth with blood in this present most criminal of all wars, the third Congress of Soviets fully agrees with the Soviet Government in its policy of breaking secret treaties, of organizing on a wide scale the fraternization of the workers and peasants of the belligerent armies, and of making all efforts to conclude a general democratic peace without annexations or indemnities, upon the basis of the free determination of the peoples.

5. It is also to this end that the third Congress of Soviets insists upon putting an end to the barbarous policy of the bourgeois civilization which enables the exploiters of a few chosen nations to enslave hundreds of millions of the toiling



population of Asia, of the colonies, and of small countries generally.

6. The third Congress of Soviets hails the policy of the Council of People's Commissars in proclaiming the full independence of Finland, in withdrawing troops from Persia, and in proclaiming the right of Armenia to self-determination.

#### *Chapter Four*

7. The third All-Russian Congress of Soviets of Workers', Soldiers', and Peasants' Deputies believes that now, during the progress of the decisive battle between the proletariat and its exploiters, the exploiters cannot hold a position in any branch of the Soviet Government. The power must belong entirely to the toiling masses and to their plenipotentiary representatives—the Soviets of Workers', Soldiers', and Peasants' Deputies.

8. In its effort to create a league—free and voluntary, and for that reason all the more complete and secure—of the working classes of all the peoples of Russia, the third Congress of Soviets merely establishes the fundamental principles of the federation of Russian Soviet Republics, leaving to the workers and peasants of every people to decide the following question at their plenary sessions of their Soviets: whether or not they desire to participate, and on what basis, in the federal government and other federal Soviet institutions.

### *Article Two*

#### GENERAL PROVISIONS OF THE CONSTITUTION OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC

#### *Chapter Five*

9. The fundamental problem of the Constitution of the Russian Socialist Federated Soviet Republic involves, in view of the present transition period, the establishment of a dictatorship of the urban and rural proletariat and the poorest peasantry in the form of a powerful All-Russian Soviet au-

thority, for the purpose of abolishing the exploitation of men by men and of introducing Socialism, in which there will be neither a division into classes nor a state of autocracy.

10. The Russian Republic is a free Socialist society of all the working people of Russia. The entire power, within the boundaries of the Russian Socialist Federated Soviet Republic, belongs to all the working people of Russia, united in urban and rural Soviets.

11. The Soviets of those regions which differentiate themselves by a special form of existence and national character may unite in autonomous regional unions, ruled by the local Congress of the Soviets and their executive organs.

These autonomous regional unions participate in the Russian Socialist Federated Soviet Republic upon the basis of a federation.

12. The supreme power of the Russian Socialist Federated Soviet Republic belongs to the All-Russian Congress of Soviets, and, in periods between the convocation of the Congress, to the All-Russian Central Executive Committee.

13. For the purpose of securing to the toilers real freedom of conscience, the church is to be separated from the state and the school from the church, and the right of religious and anti-religious propaganda is accorded to every citizen.

14. For the purpose of securing the freedom of expression to the toiling masses, the Russian Socialist Federated Soviet Republic abolishes all dependence of the press upon capital, and turns over to the working people and the poorest peasantry all technical and material means of publication of newspapers, pamphlets, books, etc., and guarantees their free circulation throughout the country.

15. For the purpose of enabling the workers to hold free meetings, the Russian Socialist Federated Soviet Republic offers to the working class and to the poorest peasantry furnished halls, and takes care of their heating and lighting appliances.

16. The Russian Socialist Federated Soviet Republic, having crushed the economic and political power of the propertied classes and having thus abolished all obstacles which

interfered with the freedom of organization and action of the workers and peasants, offers assistance, material and other, to the workers and the poorest peasantry in their effort to unite and organize.

17. For the purpose of guaranteeing to the workers real access to knowledge, the Russian Socialist Federated Soviet Republic sets itself the task of furnishing full and general free education to the workers and the poorest peasantry.

18. The Russian Socialist Federated Soviet Republic considers work the duty of every citizen of the Republic, and proclaims as its motto: "He shall not eat who does not work."

19. For the purpose of defending the victory of the great peasants' and workers' revolution, the Russian Socialist Federated Soviet Republic recognizes the duty of all citizens of the Republic to come to the defense of their Socialist Fatherland, and it, therefore, introduces universal military training. The honor of defending the revolution with arms is given only to the toilers, and the non-toiling elements are charged with the performance of other military duties.

20. In consequence of the solidarity of the toilers of all nations, the Russian Socialist Federated Soviet Republic grants all political rights of Russian citizens to foreigners who live in the territory of the Russian Republic and are engaged in toil and who belong to the toiling class. The Russian Socialist Federated Soviet Republic also recognizes the right of local Soviets to grant citizenship to such foreigners without complicated formality.

21. The Russian Socialist Federated Soviet Republic offers shelter to all foreigners who seek refuge from political or religious persecution.

22. The Russian Socialist Federated Soviet Republic, recognizing equal rights of all citizens, irrespective of their racial or national connections, proclaims all privileges on this ground, as well as of national minorities, to be in contradiction with the fundamental laws of the Republic.

23. Being guided by the interests of the working class as a whole, the Russian Socialist Federated Soviet Republic de-

prives all individuals and groups of rights which could be utilized by them to the detriment of the Socialist Revolution.

### *Article Three*

#### CONSTRUCTION OF THE SOVIET POWER

##### A. ORGANIZATION OF THE CENTRAL POWER

#### *Chapter Six*

#### *The All-Russian Congress of Soviets of Workers', Peasants', Cossacks', and Red Army Deputies*

24. The All-Russian Congress of Soviets is the supreme power of the Russian Socialist Federated Soviet Republic.

25. The All-Russian Congress of Soviets is composed of representatives of urban Soviets (one delegate for 25,000 voters), and of representatives of the provincial (Gubernia) congresses of Soviets (one delegate for 125,000 inhabitants).

NOTE 1. In case the Provincial Congress is not called before the All-Russian Congress is convoked, delegates for the latter are sent directly from the county (Ouezd) Congress.

NOTE 2. In case the Regional (Oblast) Congress is convoked indirectly, previous to the convocation of the All-Russian Congress, delegates for the latter may be sent by the Regional Congress.

26. The All-Russian Congress is convoked by the All-Russian Central Executive Committee at least twice a year.

27. A special All-Russian Congress is convoked by the All-Russian Central Executive Committee upon its own initiative, or upon the request of local Soviets having not less than one-third of the entire population of the Republic.

28. The All-Russian Congress elects an All-Russian Central Executive Committee of not more than 200 members.

29. The All-Russian Central Executive Committee is entirely responsible to the All-Russian Congress of Soviets.

30. In the periods between the convocation of the Congresses, the All-Russian Central Executive Committee is the supreme power of the Republic.



## *Chapter Seven*

### *The All-Russian Central Executive Committee*

31. The All-Russian Central Executive Committee is the supreme legislative, executive, and controlling organ of the Russian Socialist Federated Soviet Republic.

32. The All-Russian Central Executive Committee directs in a general way the activity of the workers' and peasants' Government and of all organs of the Soviet authority in the country, and it coördinates and regulates the operation of the Soviet Constitution and of the resolutions of the All-Russian Congresses and of the central organs of the Soviet power.

33. The All-Russian Central Executive Committee considers and enacts all measures and proposals introduced by the Soviet of People's Commissars or by the various departments, and it also issues its own decrees and regulations.

34. The All-Russian Central Executive Committee convokes the All-Russian Congress of Soviets, at which time the Executive Committee reports on its activity and on general questions.

35. The All-Russian Central Executive Committee forms a Council of People's Commissars for the purpose of general management of the affairs of the Russian Socialist Federated Soviet Republic, and it also forms departments (People's Commissariats) for the purpose of conducting various branches.

36. The members of the All-Russian Central Executive Committee work in the various departments (People's Commissariats) or execute special orders of the All-Russian Central Executive Committee.

## *Chapter Eight*

### *The Council of People's Commissars*

37. The Council of People's Commissars is entrusted with the general management of the affairs of the Russian Socialist Federated Soviet Republic.

38. For the accomplishment of this task the Council of People's Commissars issues decrees, resolutions, orders, and,

in general, takes all steps necessary for the proper and rapid conduct of government affairs.

39. The Council of People's Commissars notifies immediately the All-Russian Central Executive Committee of all its orders and resolutions.

40. The All-Russian Central Executive Committee has the right to revoke or suspend all orders and resolutions of the Council of People's Commissars.

41. All orders and resolutions of the Council of People's Commissars of great political significance are turned over for consideration and final approval to the All-Russian Central Executive Committee.

NOTE. Measures requiring immediate execution may be enacted directly by the Council of People's Commissars.

42. The members of the Council of People's Commissars stand at the head of the various People's Commissariats.

43. There are seventeen People's Commissars:

(a) Foreign Affairs.

(b) Army.

(c) Navy.

(d) Interior.

(e) Justice.

(f) Labor.

(g) Social Welfare.

(h) Education.

(i) Post and Telegraph.

(j) National Affairs.

(k) Finances.

(l) Ways of Communication.

(m) Agriculture.

(n) Commerce and Industry.

(o) National Supplies.

(p) State Control.

(q) Supreme Soviet of National Economy.

(r) Public Health.

44. Every Commissar has a College (Committee) of which he is the President, and the members of which are appointed by the Council of People's Commissars.

45. A People's Commissar has the individual right to decide on all questions under the jurisdiction of his Commissariat, and he is to report on his decision to the College. If the College does not agree with the Commissar on some decisions, the former may, without stopping the execution of the decision, complain of it to the executive members of the Council of People's Commissars or to the All-Russian Central Executive Committee.

Individual members of the College have this right also.

46. The Council of People's Commissars is entirely responsible to the All-Russian Congress of Soviets and the All-Russian Central Executive Committee.

47. The People's Commissars and the Colleges of the People's Commissariats are entirely responsible to the Council of People's Commissars and the All-Russian Central Executive Committee.

48. The title of People's Commissar belongs only to the members of the Council of People's Commissars, which is in charge of general affairs of the Russian Socialist Federated Soviet Republic, and it cannot be used by any other representative of the Soviet power, either central or local.

### *Chapter Nine*

#### *Affairs in the Jurisdiction of the All-Russian Congress and the All-Russian Central Executive Committee*

49. The All-Russian Congress and the All-Russian Central Executive Committee deal with questions of state, such as:

(a) Ratification and amendment of the Constitution of the Russian Socialist Federated Soviet Republic.

(b) General direction of the entire interior and foreign policy of the Russian Socialist Federated Soviet Republic.

(c) Establishing and changing boundaries, also ceding territory belonging to the Russian Socialist Federated Soviet Republic.

(*d*) Establishing boundaries for regional Soviet unions belonging to the Russian Socialist Federated Soviet Republic, also settling disputes among them.

(*e*) Admission of new members to the Russian Socialist Federated Soviet Republic, and recognition of the secession of any parts of it.

(*f*) The general administrative division of the territory of the Russian Socialist Federated Soviet Republic and the approval of regional unions.

(*g*) Establishing and changing of weights, measures, and money denominations in the Russian Socialist Federated Soviet Republic.

(*h*) Foreign relations, declaration of war, and ratification of peace treaties.

(*i*) Making loans, signing commercial treaties, and financial agreements.

(*j*) Working out a basis and a general plan for the national economy and for its various branches in the Russian Socialist Federated Soviet Republic.

(*k*) Approval of the budget of the Russian Socialist Federated Soviet Republic.

(*l*) Levying taxes and establishing the duties of citizens to the state.

(*m*) Establishing the bases for the organization of armed forces.

(*n*) State legislation, judicial organization and procedure, civil and criminal legislation, etc.

(*o*) Appointment and dismissal of the individual People's Commissars or the entire Council; also approval of the President of the Council of People's Commissars.

(*p*) Granting and cancelling Russian citizenship and fixing rights of foreigners.

(*q*) The right to declare individual and general amnesty.

50. Besides the above-mentioned questions, the All-Russian Congress and the All-Russian Central Executive Committee have charge of all other affairs which, according to their decision, require their attention.



51. The following questions are solely under the jurisdiction of the All-Russian Congress:

(a) Ratification and amendment of the fundamental principles of the Soviet Constitution.

(b) Ratification of peace treaties.

52. The decision of questions indicated in Items *c* and *h* of Paragraph 49 may be made by the All-Russian Central Executive Committee only in case it is impossible to convoke the Congress.

## B. ORGANIZATION OF LOCAL SOVIETS

### *Chapter Ten*

#### *The Congresses of the Soviets*

53. Congresses of Soviets are composed as follows:

(a) Regional: of representatives of the urban and county Soviets, one representative for 25,000 inhabitants of the county, and one representative for 5,000 voters of the cities—but not more than 500 representatives for the entire region—or of representatives of the provincial Congresses, chosen on the same basis, if such a Congress meets before the regional Congress.

(b) Provincial (Gubernia): of representatives of urban and rural (Volost) Soviets, one representative for 10,000 inhabitants from the rural districts, and one representative for 2,000 voters in the city; altogether not more than 300 representatives for the entire province. In case the county Congress meets before the provincial, election takes place on the same basis, but by the county Congress instead of the rural.

(c) County: of representatives of rural Soviets, one delegate for each 1,000 inhabitants, but not more than 300 delegates for the entire county.

(d) Rural (Volost): of representatives of all village Soviets in the Volost, one delegate for ten members of the Soviet.

NOTE 1. Representatives of urban Soviets which have a population of not more than 10,000 persons participate in the county Congress; village Soviets of districts of less than 1,000 inhabi-

tants unite for the purpose of electing delegates to the county Congress.

NOTE 2. Rural Soviets of less than ten members send one delegate to the rural (Volost) Congress.

54. Congresses of the Soviets are convoked by the respective Executive Committees upon their own initiative, or upon request of local Soviets comprising not less than one-third of the entire population of the given district. In any case they are convoked at least twice a year for regions, every three months for provinces and counties, and once a month for rural districts.

55. Every Congress of Soviets (regional, provincial, county, and rural) elects its Executive organ—an Executive Committee the membership of which shall not exceed:

(a) for regions and provinces, 25; (b) for a county, 20; (c) for a rural district, 10. The Executive Committee is responsible to the Congress which elected it.

56. In the boundaries of the respective territories the Congress is the supreme power; during intervals between the convocations of the Congress, the Executive Committee is the supreme power.

### *Chapter Eleven*

#### *The Soviet of Deputies*

57. Soviets of Deputies are formed:

(a) In cities, one deputy for each 1,000 inhabitants; the total to be not less than 50 and not more than 1,000 members.

(b) All other settlements (towns, villages, hamlets, etc.) of less than 10,000 inhabitants, one deputy for each 100 inhabitants; the total to be not less than 3 and not more than 50 deputies for each settlement.

Term of the deputy, three months.

NOTE. In small rural sections, whenever possible, all questions shall be decided at general meetings of voters.

58. The Soviet of Deputies elects an Executive Committee to deal with current affairs; not more than 5 members for

rural districts, one for every 50 members of the Soviets of cities, but not more than 15 and not less than 3 in the aggregate (Petrograd and Moscow not more than 40). The Executive Committee is entirely responsible to the Soviet which elected it.

59. The Soviet of Deputies is convoked by the Executive Committee upon its own initiative, or upon the request of not less than one-half of the membership of the Soviet; in any case at least once a week in cities, and twice a week in rural sections.

60. Within its jurisdiction the Soviet, and in cases mentioned in Paragraph 57, Note, the meeting of the voters, is the supreme power in the given district.

## *Chapter Twelve*

### *Jurisdiction of the local organs of the Soviets*

61. Regional, provincial, county, and rural organs of the Soviet power and also the Soviets of Deputies have to perform the following duties:

(a) Carry out all orders of the respective higher organs of the Soviet power.

(b) Take all steps towards raising the cultural and economic standard of the given territory.

(c) Decide all questions of local importance within their respective territory.

(d) Coördinate all Soviet activity in their respective territory.

62. The Congresses of Soviets and their Executive Committees have the right to control the activity of the local Soviets (*i. e.*, the regional Congress controls all Soviets of the respective regions; the provincial, of the respective province, with the exception of the urban Soviets, etc.); and the regional and provincial Congresses and their Executive Committees in addition have the right to overrule the decisions of the Soviets of their districts, giving notice in important cases to the central Soviet authority.

63. For the purpose of performing their duties, the local Soviets, rural and urban, and the Executive Committees form sections respectively.

## *Article Four*

### THE RIGHT TO VOTE

#### *Chapter Thirteen*

64. The right to vote and to be elected to the Soviets is enjoyed by the following citizens, irrespective of religion, nationality, domicile, etc., of the Russian Socialist Federated Soviet Republic, of both sexes, who shall have completed their eighteenth year by the day of election:

(a) All who have acquired the means of living through labor that is productive and useful to society, and also persons engaged in housekeeping, which enables the former to do productive work, *i. e.*, laborers and employees of all classes who are employed in industry, trade, agriculture, etc.; and peasants and Cossack agricultural laborers who employ no help for the purpose of making profits.

(b) Soldiers of the army and navy of the Soviets.

(c) Citizens of the two preceding categories who have to any degree lost their capacity to work.

NOTE 1. Local Soviets may, upon approval of the central power, lower the age standard mentioned herein.

NOTE 2. Non-citizens mentioned in Paragraph 20 (Article Two, Chapter 5) have the right to vote.

65. The following persons enjoy neither the right to vote nor the right to be voted for, even though they belong to one of the categories enumerated above, namely:

(a) Persons who employ hired labor in order to obtain from it an increase in profits.

(b) Persons who have an income without doing any work, such as interest from capital, receipts from property, etc.

(c) Private merchants, trade and commercial brokers.

(d) Monks and clergy of all denominations.



(e) Employees and agents of the former police, the gendarme corps, and the Okhrana [Czar's secret service], also members of the former reigning dynasty.

(f) Persons who have in legal form been declared demented or mentally deficient, and also persons under guardianship.

(g) Persons who have been deprived by a Soviet of their rights of citizenship because of selfish or dishonorable offenses, for the period fixed by the sentence.

## *Chapter Fourteen*

### *Elections*

66. Elections are conducted according to custom on days fixed by the local Soviets.

67. Election takes place in the presence of an electing committee and the representative of the local Soviet.

68. In case the representative of the Soviet cannot be present for valid causes, the chairman of the electing committee takes his place, and in case the latter is absent, the chairman of the election meeting replaces him.

69. Minutes of the proceedings and results of elections are to be compiled and signed by the members of the electing committee and the representative of the Soviet.

70. Detailed instructions regarding the election proceedings and the participation in them of professional and other workers' organizations are to be issued by the local Soviets, according to the instructions of the All-Russian Central Executive Committee.

## *Chapter Fifteen*

### *The checking and cancellation of elections and recall of the deputies*

71. The respective Soviets receive all the records of the proceedings of the election.

72. The Soviet appoints a commission to verify the elections.

73. This commission reports on the results to the Soviets.
74. The Soviet decides the question when there is doubt as to which candidate is elected.
75. The Soviet announces a new election if the election of one candidate or another cannot be determined.
76. If an election was irregularly carried on in its entirety, it may be declared void by a higher Soviet authority.
77. The highest authority in relation to questions of elections is the All-Russian Central Executive Committee.
78. Voters who have sent a deputy to the Soviet have the right to recall him, and to have a new election, according to general provisions.

## *Article Five*

### THE BUDGET

#### *Chapter Sixteen*

79. The financial policy of the Russian Socialist Federated Soviet Republic in the present transition period of dictatorship of the proletariat, facilitates the fundamental purpose of expropriation of the bourgeoisie and the preparation of conditions necessary for the equality of all citizens of Russia in the production and distribution of wealth. To this end it sets forth as its task the supplying of the organs of the Soviet power with all necessary funds for local and state needs of the Soviet Republic, without regard to private property rights.
80. The state expenditure and income of the Russian Socialist Federated Soviet Republic are combined in the state budget.
81. The All-Russian Congress of Soviets or the All-Russian Central Executive Committee determine what matters of income and taxation shall go to the state budget and what shall go to the local Soviets; they also set the limits of taxes.
82. The Soviets levy taxes only for the local needs. The state needs are covered by the funds of the state treasury.

83. No expenditure out of the state treasury not set forth in the budget of income and expense shall be made without a special order of the central power.

84. The local Soviets shall receive credits from the proper People's Commissars out of the state treasury, for the purpose of making expenditures for general state needs.

85. All credits allotted to the Soviets from the state treasury, and also credits approved for local needs, must be expended according to the estimates, and cannot be used for any other purposes without a special order of the All-Russian Central Executive Committee and the Soviet of People's Commissars.

86. Local Soviets draw up semi-annual and annual estimates of income and expenditure for local needs. The estimates of urban and rural Soviets participating in county congresses, and also the estimates of the county organs of the Soviet power, are to be approved by provincial and regional congresses or by their executive committees; the estimates of the urban, provincial, and regional organs of the Soviets are to be approved by the All-Russian Central Executive Committee and the Council of People's Commissars.

87. The Soviets may ask for additional credits from the respective People's Commissariats for expenditures not set forth in the estimate, or where the allotted sum is insufficient.

88. In case of an insufficiency of local funds for local needs, the necessary subsidy may be obtained from the state treasury by applying to the All-Russian Central Executive Committee or the Council of People's Commissars.

## *Article Six*

### THE COAT OF ARMS AND FLAG OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC

#### *Chapter Seventeen*

89. The coat of arms of the Russian Socialist Federated Soviet Republic consists of a red background on which a

golden scythe and a hammer are placed (crosswise, handles downward) in sun-rays and surrounded by a wreath, inscribed:

*Russian Socialist Federated Soviet Republic*  
*Workers of the World, Unite!*

90. The commercial, naval, and army flag of the Russian Socialist Federated Soviet Republic consists of a red cloth, in the left corner of which (on top, near the pole) there are in golden characters the letters R. S. F. S. R., or the inscription: Russian Socialist Federated Soviet Republic.

Chairman of the fifth All-Russian Congress of Soviets and of the All-Russian Central Executive Committee, J. Sverdloff.

Executive Officers, All-Russian Central Executive Committee: T. I. Teodorowitch, F. A. Rosin, A. P. Rosenholz, A. C. Mitrofanoff, K. G. Maximoff.

Secretary of the All-Russian Central Executive Committee, V. A. Avanesoff.



## III

## THE RUSSIAN LAND LAW

Reprinted by permission from the International Relations Section  
of *The Nation*, January 25, 1919.

The following "Fundamental Law of Socialization of the Land" in Russia went into effect in September, 1918, replacing the earlier and briefer Land Decree of November 7, 1917.

## DIVISION I

*General Provisions*

ARTICLE 1. All property rights in the land, treasures of the earth, waters, forests, and fundamental natural resources within the boundaries of the Russian Federated Soviet Republic are abolished.

ARTICLE 2. The land passes over to the use of the entire laboring population without any compensation, open or secret, to the former owners.

ARTICLE 3. The right to use the land belongs to those who till it by their own labor, with the exception of special cases covered by this decree.

ARTICLE 4. The right to use the land cannot be limited by sex, religion, nationality, or foreign citizenship.

ARTICLE 5. The sub-surface deposits, the forests, waters, and fundamental natural resources are at the disposition (according to their character) of the county, provincial, regional, and Federal Soviet powers and are under the control of the latter. The method of disposition and utilization of the sub-surface deposits, waters, and fundamental natural resources will be dealt with by a special decree.

ARTICLE 6. All private live stock and inventoried property of non-laboring homesteads pass over without indemnification to the disposition (in accordance with their character) of the land departments of the county, provincial, regional, and Federal Soviets.

ARTICLE 7. All homestead constructions mentioned in Article 6, as well as all agricultural appurtenances, pass over to the disposition (in accordance with their character) of the county, provincial, regional, and Federal Soviets without indemnification.

ARTICLE 8. All persons who are unable to work and who will be deprived of all means of subsistence by force of the decree socializing all lands, forests, inventoried property, etc., may receive a pension (for a lifetime or until the person becomes of age), upon the certification of the local courts and the land departments of the Soviet power, such as a soldier receives, until such time as the decree for the insurance of the incapacitated is issued.

ARTICLE 9. The apportionment of lands of agricultural value among the laboring people is under the jurisdiction of the Volostnoi [several villages], county, provincial, main, and Federal land departments of the Soviets in accordance with their character.

ARTICLE 10. The surplus lands are under the supervision, in every republic, of the land departments of the main and Federal Soviets.

ARTICLE 11. The land departments of the local and central Soviets are thus entrusted with the equitable apportionment of the land among the working agricultural population, and with the productive utilization of the natural resources. They also have the following duties:

(a) Creating favorable conditions for the development of the productive forces of the country by increasing the fertility of the land, improving agricultural technique, and, finally, raising the standard of agricultural knowledge among the laboring population.

(b) Creating a surplus fund of lands of agricultural value.

(c) Developing various branches of agricultural industry, such as gardening, cattle-breeding, dairying, etc.

(d) Accelerating the transition from the old unproductive system of field cultivation to the new productive one (under various climates), by a proper distribution of the laboring population in various parts of the country.

(e) Developing collective homesteads in agriculture (in preference to individual homesteads) as the most profitable system of saving labor and material, with a view to passing on to Socialism.

ARTICLE 12. The apportionment of land among the laboring population is to be carried on on the basis of each one's ability to till it and in accordance with local conditions, so that the production and consumption standard may not compel some peasants to work beyond their strength; and at the same time it should give them sufficient means of subsistence.

ARTICLE 13. Personal labor is the general and fundamental source of the right to use the land for agricultural purposes. In addition, the organs of the Soviet power, with a view to raising the agricultural standard (by organizing model farms or experimental fields), are permitted to borrow from the surplus land fund (formerly belonging to the Crown, monasteries, ministers, or landowners) certain plots and to work them by labor paid by the state. Such labor is subject to the general rules of workmen's control.

ARTICLE 14. All citizens engaged in agricultural work are to be insured at the expense of the state against old age, sickness, or injuries which incapacitate them.

ARTICLE 15. All incapacitated agriculturists and the members of their families who are unable to work are to be cared for by the organs of the Soviet power.

ARTICLE 16. Every agricultural homestead is to be insured against fire, epidemics among cattle, poor crops, dry weather, hail, etc., by means of mutual Soviet insurance.

ARTICLE 17. Surplus profits, obtained on account of the natural fertility of the land or on account of its location near markets, are to be turned over for the benefit of social needs to the organs of the Soviet power.

ARTICLE 18. The trade in agricultural machinery and in seeds is monopolized by the organs of the Soviet power.

ARTICLE 19. The grain trade, internal as well as export, is to be a state monopoly.

## DIVISION II

### *Who Has the Right to Use the Land*

ARTICLE 20. Plots of land may be used in the Russian Federated Soviet Republic for the following social and private needs:

A. Cultural and educational:

1. The state, in the form of the organs of the Soviet power (Federal, regional, provincial, county, and rural).
2. Social organizations (under the control and by permission of the local Soviets).

B. For agricultural purposes:

3. Agricultural communities.
4. Agricultural associations.
5. Village organizations.
6. Individuals and families.

C. For construction purposes:

7. By the organs of the Soviet power.
8. By social organizations, individuals, and families (if the construction is not a means of obtaining profits).
9. By industrial, commercial, and transportation enterprises (by special permission and under the control of the Soviet power).

D. For constructing ways of communication:

10. By organs of the Soviet power (Federal, regional, provincial, county, and rural, according to the importance of the ways of communication).



## DIVISION III

*The Order in Which Land Is Apportioned*

ARTICLE 21. Land is given to those who wish to work it themselves for the benefit of the community and not for personal advantage.

ARTICLE 22. The following is the order in which land is given for personal agricultural needs:

1. To local agriculturists who have no land or a small amount of land, and to local agricultural workers (formerly hired), on an equal basis.

2. Agricultural emigrants who have come to a given locality after the issuance of the decree of socialization of the land.

3. Non-agricultural elements in the order of their registration at the land departments of the local Soviets.

NOTE. When arranging the order of the apportionment of land, preference is given to laboring agricultural associations over individual homesteads.

ARTICLE 23. For the purpose of gardening, fishing, cattle-breeding, or forestry, land is given on the following basis:

(1) Land which cannot be tilled; (2) land which can be tilled, but which on account of its location is preferably to be used for other agricultural purposes.

ARTICLE 24. In rural districts, land is used for construction purposes in accordance with the decision of the local Soviets and the population.

In cities, land may be obtained in the order in which applications are filed with the respective local Soviets, if the construction planned does not threaten to harm the neighboring buildings and if it answers all other requirements of the building regulations.

NOTE. For the purpose of erecting social buildings, land is given regardless of the order in which applications are filed.

## DIVISION IV

*The Standard of Agricultural Production and Consumption*

ARTICLE 25. The amount of land given to individual homesteads for agricultural purposes, with a view to obtaining means of subsistence, must not exceed the standard of agricultural production and consumption as determined on the basis indicated in the instruction given below.

*Instruction for determining the production and consumption standard for the use of land of agricultural value*

1. The whole of agricultural Russia is divided into as many climatic sections as there are field cultivation systems historically in existence at the given agricultural period.

2. For every agricultural section a special production and consumption standard is set. Within the section the standard may be changed in accordance with the climate and the natural fertility of the land, also in accordance with its location (near a market or railway) and other conditions which are of great local importance.

3. For an exact determination of the standard of each section, it is necessary to take an all-Russian agricultural census in the near future.

NOTE. After the socialization of the land has been accomplished, it is necessary to survey it immediately and to determine its topography.

4. The apportionment of land on the production and consumption basis among the agricultural population is to be carried on gradually in various agricultural sections, according to regulations stated herein.

NOTE. Until the socialization of land is entirely accomplished, the relations of agriculturists will be regulated by the land departments of the Soviets in accordance with a special instruction.

5. For the determination of the production and consumption standard of a given climatic section, it is necessary to take

the standard (an average agricultural homestead) of one of the counties of that section (or another agricultural standard of equal size) with a small population, and with such a proportion of various agricultural advantages, as, in the opinion of the local inhabitants (regional or provincial congress of the land departments of the Soviets) will be recognized as the most normal, *i. e.*, the most favorable for the type of field cultivation which predominates in that climatic section.

6. For the determination of what an average agricultural homestead is, it is necessary to take into consideration only those lands which were actually in the possession of working peasants down to 1917, *i. e.*, lands bought by peasant organizations, associations, individuals, and entailed and rented lands.

7. Forests, sub-surface deposits, and waters are not to be considered in this determination.

8. Private lands which were never used for agricultural purposes, and which were actually in the possession of the state, private banks, monasteries, or landowners, will not be taken into consideration in this determination, as they will constitute the surplus land fund which will serve to supply the landless peasants and those who have less land than the peasants' production and consumption standard calls for.

9. For determining the entire amount of land which was in actual possession of the working peasants down to the revolution of 1917, it is necessary to determine its quantity according to its special character (field, pasture, meadow, drainage, gardens, orchards, estates).

10. This determination must be made in exact figures, as well as in the proportion of the entire quantity to each individual homestead, settlement, village, county, province, or region, or the entire climatic section of the given system of field cultivation.

11. When thus determining the entire quantity of land, it is necessary to determine the quality of each acre of a typical field or meadow by ascertaining the amount (in poods) of

grain or hay yielded by an acre of land of the given section for the past ten years.

12. When determining the quantity and quality of land, it is necessary to determine at the same time the entire population of the given climatic section engaged in agriculture, and also that part of the population which subsists at the expense of agriculture.

13. The census of the inhabitants engaged in agricultural work is to be taken by sex, age, and family for each homestead separately, and later the information obtained is to be classified by villages, counties, and provinces of the given section.

14. When taking the census of the population it is necessary to determine the number of workingmen and members dependent on them, and for that purpose the entire population is divided into the following classes according to ages:

*Those unable to work*

Girls	. . . . .	to 12 years of age
Boys	. . . . .	to 12 years of age
Men	. . . . .	from 60 years of age
Women	. . . . .	from 50 years of age

Those incapacitated by physical or mental illness are recorded separately.

*Those able to work*

Men	from 18 to 60—1.0 unit of working strength
Women	from 18 to 50—0.8 unit of working strength
Boys	from 12 to 16—0.5 unit of working strength
Girls	from 12 to 16—0.5 unit of working strength
Boys	from 16 to 18—0.75 unit of working strength
Girls	from 16 to 18—0.6 unit of working strength

NOTE. These figures may be changed in accordance with climatic and customary conditions by decision of the appropriate organs of the Soviet power.

15. By dividing the number of acres by the number of working units, the number of acres to each unit may be obtained.



16. The number of incapacitated members to each working unit may be obtained by dividing the entire incapacitated element by the total of working units.

17. It is also necessary to describe and figure out the number of work animals and cattle that can be fed on one acre of land and with one working unit.

18. For determining what an average landowning peasant is in a county, it is necessary to ascertain the average acre in quality and fertility. This average is the sum of crops from various soils divided by the number of the soil categories [Paragraph 9].

19. The average obtained as above is to serve as a basis for determining the production and consumption standard by which all the homesteads will be equalized from the surplus land fund.

NOTE. In case the average, as indicated above, obtained after preliminary calculations, proves insufficient for existence (see Division 1, Article 12), it may be increased from the surplus land fund.

20. For determining the amount of land needed for additional distribution among peasants, it is necessary to multiply the number of acres of land to each working unit in a county by the sum of agricultural working units of the given climatic section, and to subtract from the product the amount of land which the working population have on hand.

21. Further, upon ascertaining the number of acres of land (in figures and percentage according to character) which the surplus land fund has, and comparing this figure with the quantity of land necessary for additional distribution among peasants who have not sufficient land, the following is to be determined: is it possible to confine the emigration within the boundaries of the given climatic section? If so, it is necessary to determine the size of the surplus land fund and its capacity. If it is not possible to confine it within the given climatic section, ascertain how many families will have to emigrate to another section.

NOTE. The main land departments of the Soviet power must be informed of the quantity of surplus land, as well as of a lack of the same; and the location, amount, and kind of unoccupied lands must be indicated.

22. When additional distribution takes place, it is necessary to know the exact amount and quality of land which the peasants have, the number of cattle on hand, the number of members of the families, etc.

23. When additional distribution takes place in accordance with the production and consumption standard, this standard must be raised in the following cases:

(1) When the working strength of a family is overtaxed by the number of incapacitated members; (2) when the land which the family has on hand is not sufficiently fertile; (3) in accordance with the quality of such land of the surplus fund as is given to the peasant (the same applies to meadows).

25. When an additional apportionment of land takes place and the given district lacks certain advantages, the peasant gets a certain amount of land possessing other advantages.

#### DIVISION V

*Standard for the Utilization of Land for Construction, Agricultural, and Educational Purposes, etc.*

ARTICLE 26. When land is apportioned for educational and industrial purposes and also for the erection of dwellings, for cattle breeding, and other agricultural needs (with the exception of field cultivation), the quantity of land to be apportioned shall be determined by the local Soviets in accordance with the needs of the individuals or organizations which ask permission to use the land.

#### DIVISION VI

##### *Emigration*

ARTICLE 27. In case the surplus land fund in the given section proves to be insufficient for additional distribution among peasants, the surplus of the population may be transferred to another section where there is sufficient surplus land.

ARTICLE 28. Transfer from one section to another is to take place only after the peasants of the latter section are all distributed.

ARTICLE 29. The emigration from one section to another, as well as the distribution of the inhabitants within the section, must be carried on as follows: at first those who are furthest away from the surplus land fund are to emigrate, so that:

(a) the land of the surplus fund is used first of all by the peasants of that village or hamlet in the vicinity of which the surplus land fund lies.

NOTE. If there are several such villages, preference is given to those that tilled the land before.

(b) the second place is given to the peasants of the *Volost* within the boundaries of which the surplus land lies.

(c) the third place is given to the peasants of the county within the boundaries of which the surplus lands lie.

(d) finally, if the given system of field cultivation covers several provinces, the peasants of the province within the boundaries of which the surplus land lies receive additional land.

ARTICLE 30. The emigration accordingly runs in the following order: (a) volunteers are the first to emigrate; (b) second, those organizations which suffer most from lack of land; (c) agricultural associations, communities, large families, and small families which have small amounts of land.

ARTICLE 31. The apportionment of land among agriculturists who have to emigrate is to be carried on as follows: in the first place, small families suffering from lack of land; second, large families suffering from lack of land; third, families suffering from lack of land; fourth, agricultural associations, and, finally, communities.

ARTICLE 32. The transfer of peasants from one section to another is to be done with consideration, so that the new place shall give the peasant a chance to cultivate land successfully and the climatic conditions shall be analogous to those of his

previous domicile. In that case it is necessary to take into consideration the customs and nationality of the emigrants.

ARTICLE 33. The cost of transferring peasants to new places is to be provided by the state.

ARTICLE 34. In connection with the transfer, the state is to help the peasants in the building of homes, roads, drains, and wells, in obtaining agricultural machinery and artificial fertilizers, by creating artificial water systems (when necessary) and by erecting educational centres.

NOTE. For the purpose of expediting the establishment of agricultural work on a socialistic basis, the state offers to extend to the emigrants every aid necessary for a systematic and scientific management of collective homesteads.

#### DIVISION VII

##### *Form of Utilization of Land*

ARTICLE 35. The Russian Federated Soviet Republic, for the purpose of attaining Socialism, offers to extend aid (cultural and material) to the general tilling of land, giving preference to the communistic and coöperative homesteads over individual ones.

ARTICLE 36. Lands of coöperative and individual homesteads must, if possible, be in the same location.

#### DIVISION VIII

##### *Obtaining Rights to the Use of Land*

ARTICLE 37. Land may be obtained:

- (a) For educational purposes.
  - 1. Social usefulness.
- (b) For agricultural purposes.
  - 1. Personal labor.
- (c) For building purposes.
  - 1. Social buildings.
  - 2. Dwellings.
  - 3. The necessity of conducting a working homestead.



(d) For the purpose of constructing ways of communication.

1. Public necessity.

#### DIVISION IX

##### *The Order in Which the Right to Use the Land May be Obtained*

ARTICLE 38. An application must be filed with the land department of the Soviet power in whose jurisdiction the desired land lies.

ARTICLES 39. The application shows the order in which the permission to use the land is granted. The permission is granted on the basis of the general provisions of this decree.

NOTE. The application should contain the following information, in addition to the full name and address of the person who desires to use the land: former occupation, the purpose for which land is desired, the inventory on hand, the location of the desired plot and its size.

NOTE. If the land department of the *Volostnoi* Soviet refuses to grant the permission to use land, the question may be brought (within one week) to the notice of the department of the county Soviet; if the county Soviet refuses, it may be presented to the land department of the provincial Soviet within two weeks.

NOTE. The right to use land (sub-surface deposits, waters, forests, and fundamental natural resources) cannot be obtained under any circumstances through purchase, rental, inheritance, or any other private transaction.

#### DIVISION X

ARTICLE 40. The right to use the land becomes effective in the following order.

ARTICLE 41. The right to use land for construction purposes becomes effective upon actual occupation of the plot or upon preparations for its occupation, but not later than three months after the receipt of permission from the local Soviet.

NOTE. By actual preparations is meant the delivery of building materials to the place of destination or the closing of a contract with workers.

ARTICLE 42. The right to use land for agricultural purposes (on the basis of personal labor) becomes effective upon beginning the work at the opening of the next agricultural season.

ARTICLE 43. The right to use the land for field cultivation becomes effective upon the actual beginning of field work (without hired help) at the opening of the agricultural season next after the receipt of a permit from the local Soviet.

NOTE. Buildings may be erected on plots of land that may be tilled only by special permission of the land department of the Soviet Government.

ARTICLE 44. In case of actual inability to use the plot in the period of time allowed by the land department, the latter may extend this period if there is valid cause, *i. e.*, the illness of the working hands, trouble brought about by epidemics, etc.

#### DIVISION XI

##### *Transfer of Right to Use Given Plots of Land*

ARTICLE 45. The right to use the land is not transferable.

ARTICLE 46. The right to use land may be obtained by anyone on the basis of this decree, and it cannot be transferred from one person to another.

#### DIVISION XII

##### *Temporary Cancellation of the Right to Use the Land*

ARTICLE 47. Any land-borrower's right to use the plot of land may be stopped for a certain length of time, without cancelling it entirely.

ARTICLE 48. Any land-borrower may cease utilizing the land at a certain time and still have the right to it (a) if natural calamities (floods, etc.) deprive him of the possibility; (b) if the agriculturist is temporarily ill; (c) if the agriculturist is called to do some government duty; or for other cause valid from the social point of view. He may hold it until such time as conditions are favorable for the utilization of his plot.

NOTE. The period of such temporary cessation is to be determined in each case by the land department of the local Soviet.

ARTICLE 49. Upon every temporary cessation of the use of the land (as indicated in Article 48), the local Soviet either organizes community help to the agriculturist or calls upon the workers, paid by the state and subject to the general regulations of workers' control, to do the work of the afflicted agriculturist (temporary incapacity, death, etc.), so as to save his property and proceed with production.

### DIVISION XIII

#### *Cessation of the Right to Use the Land*

ARTICLE 50. The right to use the land may cease for an entire agricultural unit, or for individual members of the same.

ARTICLE 51. The right of the given individual to use the land may cease for the whole plot or for a part of it.

ARTICLE 52. The right is cancelled (a) if the organization, or the purpose for which it had taken land, is declared void; (b) if units, associations, communities, etc., disintegrate; (c) if the individual finds it impossible to cultivate the field or do other agricultural work, and if at the same time the individual has other means of subsistence (for instance, a pension paid to the incapacitated); (d) upon the death of the individual, or when his civil rights are cancelled by the court.

ARTICLE 53. The right to use a plot of land ceases:

(a) in case of a formal refusal to use the plot.

(b) in case of obvious unwillingness to use the plot, although no formal refusal has been filed.

(c) in case the land is used for illegal purposes (e. g., throwing garbage).

(d) in case the land is exploited by illegal means (e. g., hiring land secretly).

(e) in case the use of the land by a given individual brings injury to his neighbor (e. g., manufacture of chemicals).

NOTE. The land-borrower, upon cessation of his right to the use of the land, has the right to demand from the respective land departments of the Soviets a fee for the unused improvements and labor invested in the land, if the given plot did not bring him sufficient profit.

*Chairman of the All-Russian Central Executive Committee:* Sverdloff.

*Members of the Executive Body:* Spiridonova, Mouranoff, Zinoveiff, Oustinoff, Kamkoff, Lander, Skouloff, Volodarsky, Peterson, Natanson-Bobroff.

*Secretaries of the Central Executive Committees:* Avanessoff, Smoliansky.

*Chairman of the Soviet of People's Commissaries:* V. Oulianoff (Lenin).

*People's Commissar of Agriculture:* A. Kolegueff.



## IV

THE FRANCO-RUSSIAN ALLIANCE<sup>1</sup>

No. 17. M. de Mohrenheim, Russian Ambassador at Paris, to M. Ribot, Minister of Foreign Affairs

Paris, 15/17 August, 1891<sup>2</sup>

During my recent visit to St. Petersburg, where I was called by order of my august Sovereign, it pleased the Emperor to provide me with special instructions, recorded in the attached copy of the letter which His Excellency, M. de Giers, Minister of Foreign Affairs, addressed to me, and which His Majesty has graciously directed me to communicate to the Government of the Republic.

In execution of this supreme order, I hasten to bring this document to your Excellency's attention, in the firm hope that its contents, contrived and formulated in advance by common

<sup>1</sup> The French Government has recently published a Yellow Book, comprising 107 letters and telegrams exchanged between the Foreign Office and the various French ambassadors at Petrograd, relative to the origin and development of the Franco-Russian Alliance. The correspondence is divided into four sections, dealing respectively with the origins of the alliance, the framing of the military convention, the conclusion of the convention in 1893, and the naval agreement in 1912. The following documents, published in translation, contain the text of the military and naval conventions and the most important correspondence. The American Association for International Conciliation hopes to be able to publish the correspondence in full at some future time.

<sup>2</sup> The difference between the Russian or Julian calendar and the Gregorian calendar used in the western world accounts for the two dates given in this and subsequent documents. The first date is that of the old style or Russian calendar.

agreement of our two Cabinets, will meet with the complete approval of the French Government, and that you will be good enough, my dear Minister, in accordance with the wish expressed by M. de Giers, to honor me with a reply testifying to the perfect accord happily established between our two Governments from this time hence.

The subsequent developments to which the two points thus agreed upon are not only susceptible, but which will form the necessary complement to them, can be made the object of confidential and secret pourparlers whenever either Cabinet shall deem it opportune and possible to proceed in due time.

Being, for this purpose, quite at the disposal of Your Excellency, I am happy to be able to avail myself of this occasion to beg you to accept the renewed homage of my highest esteem and of my unchangeable devotion.

MOHRENHEIM

Annex. Letter from M. de Giers, Russian Minister of Foreign Affairs, to M. de Mohrenheim, Russian Ambassador at Paris

Petersburg, 9/21 August, 1891

The situation created in Europe by the apparent renewal of the Triple Alliance and the more or less probable adhesion of Great Britain to the political ends which this alliance seeks, occasioned at the time of the recent visit here of M. de Laboulaye, an exchange of ideas between the former French Ambassador and myself tending to define the position which, in the present juncture and in the face of certain contingencies, might best be agreed upon by our respective Governments which, although not constituting a league, are none the less sincerely desirous of surrounding the maintenance of the peace by the most efficacious guaranties.

We have thus been led to formulate the two following points:

1. In order to define and perpetuate the "entente cordiale" which unites them, and desirous of contributing by common

agreement to the maintenance of the peace, which is the object of their sincerest wishes, the two Governments declare that they will deliberate in concert upon all questions of such nature as to put the general peace in jeopardy.

2. In case the peace should actually be in danger and especially in case one of the two parties should be threatened by aggression, the two parties agree to act in concert upon those measures which the realization of that eventuality would make it necessary for both Governments to adopt immediately and simultaneously.

Having submitted to the Emperor an account of this exchange of ideas, as well as the text of the conclusions which resulted from them, I have the honor to inform you today that His Majesty has been graciously pleased to approve entirely of these rudiments of an understanding, and will look with favor upon their adoption by the two Governments.

In apprising you of the wishes of our Sovereign, I beg you to be good enough to make them known to the French Government, and to advise me of the resolutions which, so far as it is concerned, it would find it possible to adopt.

GIERs

No. 18. M. Ribot, Minister of Foreign Affairs, to M. de Mohrenheim, Russian Ambassador at Paris

Paris, 27 August, 1891

You have been good enough, at the order of your Government, to send me the text of the letter of the Imperial Minister of Foreign Affairs, in which are recorded the special instructions with which Emperor Alexander provided you, as a consequence of the last exchange of ideas which the general European situation occasioned between M. de Giers and the Ambassador of the French Republic at St. Petersburg.

Your Excellency was commissioned to express at the same time the hope that the contents of this document, previously contrived and formulated by common agreement of the two

Cabinets, might meet with the complete approval of the French Government.

I hasten to thank Your Excellency for this communication.

The Government of the Republic could only view in the same light as does the Imperial Government the situation created in Europe by the conditions under which the Triple Alliance has been renewed, and it feels too that the time has come to define the position which, in the present juncture and in the face of certain contingencies, might best be agreed upon by the two Governments, which are equally desirous of assuring the maintenance of the peace by the guaranties which result from the balance between the European forces.

I am happy, therefore, to notify Your Excellency that the Government of the Republic gives its absolute adhesion to the two points which are the object of M. de Giers' communication and which are formulated as follows:

1. . . . . 1
2. . . . . 1

I am, moreover, at your disposal to examine all the questions which, in the present state of the general policy, thrust themselves more particularly upon the attention of the two Governments.

On the other hand, the Imperial Government will doubtless bear in mind, as will we, the problems which must be confided to special delegates, who should be appointed as soon as possible, the practical study of the measures necessary to guard against the eventualities provided for in the second point of the agreement.

In begging you to advise His Majesty's Government of the reply of the French Government, I should like to express my appreciation of the opportunity to coöperate, personally, in the fulfillment of an understanding which has been constantly the object of our common efforts.

RIBOT

<sup>1</sup> See Annex to No. 17.



No. 71. The report from General de Boisdeffre to the Minister of War at Paris, dated St. Petersburg, August 18, 1892, contains the following:

#### DRAFT OF MILITARY CONVENTION

France and Russia animated by a common desire to preserve the peace, and having no other end in mind than to ward off the necessities of a defensive war, provoked by an attack of the forces of the Triple Alliance against either of them, have agreed upon the following provisions:

1. If France is attacked by Germany, or by Italy supported by Germany, Russia shall employ all its available forces to fight Germany.

If Russia is attacked by Germany, or by Austria supported by Germany, France shall employ all its available forces to fight Germany.

2. In case the forces of the Triple Alliance, or of one of the Powers which are a party to it, should be mobilized, France and Russia, at the first indication of the event, and without a previous agreement being necessary, shall mobilize all their forces immediately and simultaneously, and shall transport them as near to their frontiers as possible.

3. The available forces which must be employed against Germany shall be for France, 1,300,000 men; for Russia, from 700,000 to 800,000 men.

These forces shall begin complete action with the greatest despatch, so that Germany will have to fight at the same time in the East and in the West.

4. The Staffs of the Armies of the two countries shall constantly plan in concert in order to prepare for and facilitate the execution of the measures set forth above.

They shall communicate to each other, in time of peace, all the information regarding the armies of the Triple Alliance which is in, or shall come into, their possession.

The ways and means of corresponding in time of war shall be studied and arranged in advance.

5. France and Russia shall not conclude a separate peace.

6. The present Convention shall have the same duration as the Triple Alliance.

7. All the clauses enumerated above shall be kept absolutely secret.

Signature of the Minister:

Signature of the Minister:

The General Aide de Camp,  
Chief of the General Staff.

The General of Division,  
Counsellor of State,  
Sub-Chief of the Army Staff.

*Signed:* OBROUTCHEFF

*Signed:* BOISDEFFRE<sup>1</sup>

Annex to the Report from General de Boisdeffre,  
dated August 18, 1892.

5/17 August, 1892

*My dear General*

I have had the honor to submit to His Imperial Majesty the draft of the military convention, framed by the two Staffs. His Majesty, having approved in principle of the entire draft, has commanded me, in view of the political nature of several of its provisions, to submit it to the Minister of Foreign Affairs for examination.

Be good enough to accept, Your Excellency, the assurance of my high regard.

*Signed:* PIERRE WANNOWSKI

No. 91. M. de Montebello, French Ambassador to  
St. Petersburg, to Casimir Périer, President of the  
Council, Minister of Foreign Affairs

St. Petersburg, 30 December, 1893

*Private*

I have just received M. de Giers' letter informing me that upon order of the Emperor he has been commanded to advise

<sup>1</sup> This document is preserved in an envelope bearing this written annotation: "The military convention is accepted by the letter from M. de Giers to M. de Montebello, giving the force of treaty to this Convention.—(Signed) Felix Faure, October 15."—(See document No. 91.)

me that the draft of the military convention, already approved in principle by His Majesty and signed by the two Chiefs of Staff, has been definitively adopted. I have not yet sent my reply. In doing so, I shall paraphrase M. de Giers' letter and state in its terms the agreement arrived at by our two Governments. Things have taken a different turn than we had anticipated, and it is the Russians who have taken the initiative. I have not time to relate to you the very interesting experiences through which I have passed since my return; I have indicated them to Nisard who can show you my letter. The Emperor has, to the very last moment, followed his program with mathematical precision; if you will reread today the draft of the military convention which conforms closely to the letters exchanged during the Cronstadt visit, you will find a very complete document and, in whatever concerns the military convention in particular, a clearness and precision which leaves nothing to be desired. I shall try to see General Obroutcheff before sending my courier, and, perhaps, may still have time to add a word which will give you his latest judgment. I saw him last night and he was radiant at having finally accomplished this end. He has already prepared for the execution of the Convention the instructions which must be sent to our Staff, and has spoken to me of the necessity of contriving immediately a way of conducting telegraphic correspondence between us which will avoid transit through Germany. I am very happy, my dear Mr. President, to have been able to conclude this important question which gives us today absolute security. One might wish that M. de Giers' letter were more explicit but, as it stands, there is no room for doubt as to its intention, and from today the idea of 1892 becomes very definitive. It is now necessary to collect in a single dossier the letters of 1891 and that of today, and to add to them the military convention.

I reported to you in my last letter a few words of my conversation with the Emperor. I am very happy to have had this occasion to speak to him freely of our affairs. I

learned through M. de Giers that my words had produced the desired effect. Opportunities to interview the Emperor are unfortunately too rare, for we would have much to gain by them.

MONTEBELLO

Annex to the Despatch From St. Petersburg of  
December 30, 1893

M. de Giers, Russian Minister of Foreign Affairs, to  
M. de Montebello, French Ambassador to St.  
Petersburg

St. Petersburg, 15/27 December, 1893

*Very Confidential*

After having examined, by order of His Majesty, the draft of the military Convention drawn up by the Russian and French Staffs in August, 1892, and having submitted my judgment thereon to the Emperor, it devolves upon me to inform Your Excellency that the text of this arrangement, in the form in which it has been approved, in principle, by His Majesty and signed by MM., the Aide de Camp General Obroutcheff and the General of Division de Boisdeffre, may be considered henceforth as having been definitively adopted in its present form. The two Staffs shall, therefore, have power to deliberate at any time and to communicate to each other all the information which may be useful to them.

GIER

No. 92. M. de Montebello, French Ambassador at  
St. Petersburg, to M. de Giers, Russian Minister of  
Foreign Affairs

St. Petersburg, 23 December, 1893/4 January, 1894

I have received the letter which Your Excellency did me the honor of addressing to me on the 15/27 December, 1893, in which you advise me that after having examined, by order of



His Majesty, the draft of the military Convention drawn up by the Russian and French Staffs, and submitted your judgment to the Emperor, it devolves upon you to inform me that this arrangement, in the form in which it has been approved, in principle, by His Majesty, and signed in August, 1892, by MM., the Aide de Camp General Obroutcheff and the General of Division de Boisdeffre, both delegated for this purpose by their respective Governments, may be considered henceforth definitively adopted.

I hastened to communicate this decision to my Government, and I am authorized to declare to Your Excellency, with the request that you bring this resolution to the attention of His Majesty the Emperor, that the President of the Republic and the French Government on their part consider the military convention in question, the text of which has been approved by both parties, as executory henceforth.

In consequence of this agreement, the two Staffs shall have power immediately to deliberate at any time and to communicate to each other all the information which may be useful to them.

MONTEBELLO

No. 93. Count Mouraveiff, Russian Minister of Foreign Affairs, to M. Delcassé, Minister of Foreign Affairs

St. Petersburg, 28 July /9 August, 1899

The few days which Your Excellency has just spent among us will, I hope, have testified once more to the strength of the bonds of lively and unchangeable friendship which unite Russia and France.

In order to give new expression to these sentiments and to comply with the desire which you have expressed to His Majesty, the Emperor has graciously authorized me, my dear Minister, to propose to you an exchange of letters between us designed to establish that:

The Imperial Russian Government and the Government of the French Republic, always anxious that the general peace

and the balance between the European forces may be maintained,

Confirm the diplomatic arrangement formulated in M. de Giers' letter of 9/21 August, 1891, that of 15/27 August, 1891, from Baron Mohrenheim and M. Ribot's letter in reply, also bearing the date 15/27 August, 1891.

They agree that the draft of the military Convention, which resulted from this correspondence, and which is mentioned in M. de Giers' letter of 15/27 December, 1893, and that from Count de Montebello of 23 December, 1893/4 January, 1894, shall remain in force as long as the diplomatic agreement concluded to safeguard the common and permanent interests of the two countries.

Absolute secrecy as to the contents and the very existence of the aforesaid arrangements must be scrupulously observed on both sides.

In addressing this communication to you, my dear Minister, I take advantage of the occasion to offer you a renewed assurance of my high esteem.

COUNT MOURAVIEFF

No. 94. M. Delcassé, Minister of Foreign Affairs of the French Republic, to Count Mouravieff, Russian Minister of Foreign Affairs

St. Petersburg, 28 July/9 August, 1899

*My dear Minister*

Last Sunday, when, with his consent, I had expressed to His Majesty, the Emperor, my opinion with respect to the advantage of confirming our diplomatic arrangement of the month of August, 1891, and of fixing for the military Convention which followed it the same duration as for this arrangement, His Majesty was good enough to declare to me that his own feelings coincided perfectly with the views of the Government of the Republic.

In your letter of this morning, you do me the honor to inform me that it has pleased His Majesty, the Emperor, to

approve of the following formula which has, on the other hand, the entire adhesion of the President of the Republic and of the French Government, and upon which the understanding between Your Excellency and myself was previously established:

"The Government of the French Republic and the Imperial Russian Government, always anxious that the general peace and the balance between the European forces may be maintained,

"Confirm the diplomatic arrangement formulated in M. de Giers' letter of 9/21 August, 1891, that of 15/27 August, 1891, from Baron Mohrenheim and M. Ribot's letter in reply, also bearing the date 15/27 August, 1891.

"They agree that the draft of the military Convention, which resulted from this correspondence, and which is mentioned in M. de Giers' letter of 15/27 December, 1893, and that from Count de Montebello of 23 December, 1893/4 January, 1894, shall remain in force as long as the diplomatic agreement concluded to safeguard the common and permanent interests of the two countries.

"Absolute secrecy as to the contents and the very existence of the aforesaid arrangements must be scrupulously observed on both sides."

I am pleased, my dear Minister, that these few days spent in St. Petersburg have permitted me to prove once more the strength of the bonds of lively and unchangeable friendship which unite France and Russia, and I beg you to accept the renewed assurance of my high esteem.

DELCASSÉ

No. 95. M. Delcassé, Minister of Foreign Affairs, to  
M. Loubet, President of the French Republic

Paris, 12 August, 1899

*My dear Mr. President*

Your Excellency knows with what idea in mind I went to St. Petersburg. Our arrangements with Russia are of two

kinds: a general diplomatic agreement, expressed in the letters of 9/21 August, 1891 and 15/27 August, 1891, signed by Giers, Mohrenheim and Ribot, and which stipulated that the two Governments will consider in concert any question capable of putting the peace of Europe in jeopardy; and a military convention of 23 December 1893/4 January, 1894, which concerns an aggressive act on the part of one of the powers of the Triple Alliance and whose duration is limited to the duration of the Triple Alliance.

But what would happen if the Triple Alliance should dissolve otherwise than by the volition of all its members; if, for example, Emperor Francis Joseph, who seems at times the only bond between rival and even enemy races, should suddenly disappear; if Austria were threatened by a dismemberment which, perhaps, is after all desirable, which, perhaps, might be countenanced and which, in any case, one might become anxious to turn to account? What could be more capable of compromising the general peace and of upsetting the balance between the European forces? And what situation, furthermore, would more deserve to find France and Russia, not only united in a common plan, but ready even for its execution?

Now it is just at the precise moment when the military convention should work, that it would cease to exist: born of the Triple Alliance, it would vanish with it. That is a deficiency which has troubled me constantly since I became Minister of Foreign Affairs; and it has been my firm resolve to neglect no opportunity to overcome it. I have found in your lofty and prudent patriotism a powerful support. Sure of receiving from Emperor Nicholas a friendly welcome, I decided to return to Count Mouraviëff, whose views have always been in perfect accord with mine, the visit which he paid me in Paris last October. Arriving in St. Petersburg Friday evening, the fourth of August, I was invited to breakfast with Their Majesties on Sunday, at Peterhof. After breakfast, the Emperor took me into his study: first he was good enough to tell me what esteem and approval my con-



duct during the last Franco-English crisis had aroused in him. We ran over the different problems which had arisen during the course of the year, and reviewed the general world situation. Then, approaching the relations between France and Russia, I revealed to the Emperor my belief and apprehension that the alliance would be disarmed in case one of those very events should arise in view of which it was formed: "Since our agreement of August, 1891, extends to all important questions, does not Your Majesty think that the military Convention of 1894, which is the instrument for making that agreement effective, should have the same duration, that is to say, as long as the general and permanent interests of our two nations remain solidary; and do you not think also that the work of Emperor Alexander III and of President Carnot will surely receive the confirmation of Your Majesty and of the new President of the French Republic?"

The Emperor assured me that such was his feeling; that he was anxious to continue essentially in the path indicated by his father, and to draw closer the bonds forged for the common good of France and Russia. At that moment, I took the liberty of submitting to the Emperor the draft of a declaration which I had drawn up that morning. In it the arrangement of 1891 is solemnly confirmed; but the scope is singularly extended; while in 1891 the two Governments expressed anxiety only for the maintenance of the general peace, my plan provides that they should concern themselves just as much with "the maintenance of the balance between the European forces."

In short, by attaching the military Convention to the diplomatic arrangement, this plan assures to it the same duration.

The Emperor seemed to think that I had expressed his idea exactly; he called Count Mouravieff to whom at His Majesty's request, I read the declaration. An understanding already existed between the Minister of Foreign Affairs and myself on the fundamental basis of the plan. It was decided that the new arrangement, of which the contents and the

very existence should remain absolutely secret, should be established undeniably in the form of letters which Count Mouravieff and I would exchange. That was done Wednesday morning, the day I left St. Petersburg.

DELCASSÉ

#### NO. 102. DRAFT OF NAVAL CONVENTION<sup>1</sup>

ARTICLE 1. The naval forces of France and Russia shall coöperate in all eventualities in which the Alliance provides for and stipulates the combined action of the land armies.

ARTICLE 2. Preparation for the coöperation of the naval forces shall be made in time of peace.

To this end, the Chiefs of Staff of both Marines are authorized at once to correspond directly, to exchange all information, to study all the theoretical aspects of war, to plan together all strategic programs.

ARTICLE 3. The Chiefs of Staff of both Marines shall confer in person, once a year at least; they shall draw up an official report of their conferences.

ARTICLE 4. In point of duration, application and secrecy, the present Convention corresponds to the military Convention of 17 August, 1892, and to all subsequent agreements.

*Paris, 15 July, 1912*

The Chief of General Staff of  
the French Marine

*Signed: AUBERT*

The Chief of General Staff of  
the Imperial Russian Marine

*Signed: PRINCE LIEVEN*

The Minister of Marine

*Signed: M. DELCASSÉ*

The Minister of Marine

*Signed: J. GRIGOROVITCH*

#### NO. 103. Convention for the Exchange of Information between the Russian Marine and the French Marine.<sup>1</sup>

As a result of an exchange of opinions which took place during the month of July, 1912, between the Vice-Admiral,

<sup>1</sup> The original of this document is in the hands of the Ministry of Marine.

Prince Lieven, Chief of General Staff of the Imperial Russian Marine and Vice-Admiral Aubert, Chief of General Staff of the French Marine, the following decisions were reached:

1. Beginning with 1 /14 September, 1912, the Chief of General Staff of the Imperial Russian Marine and the Chief of General Staff of the French Marine shall exchange complete information about their respective marines and every month regularly, in writing, whatever information they can procure; ciphered telegrams can be used in certain urgent cases.

2. In order to avoid any indiscretion or divulgence with respect to this information, it is indispensable to adopt the following method of transmission:

Any demand for information regarding the French Marine, of interest to the Russian Marine, shall be addressed through the Russian Naval Attaché at Paris to the Chief of General Staff of the French Marine; and, conversely, any demand for information regarding the Russian Marine, of interest to the French Marine, shall be addressed through the French Naval Attaché at St. Petersburg to the Chief of General Staff of the Russian Marine.

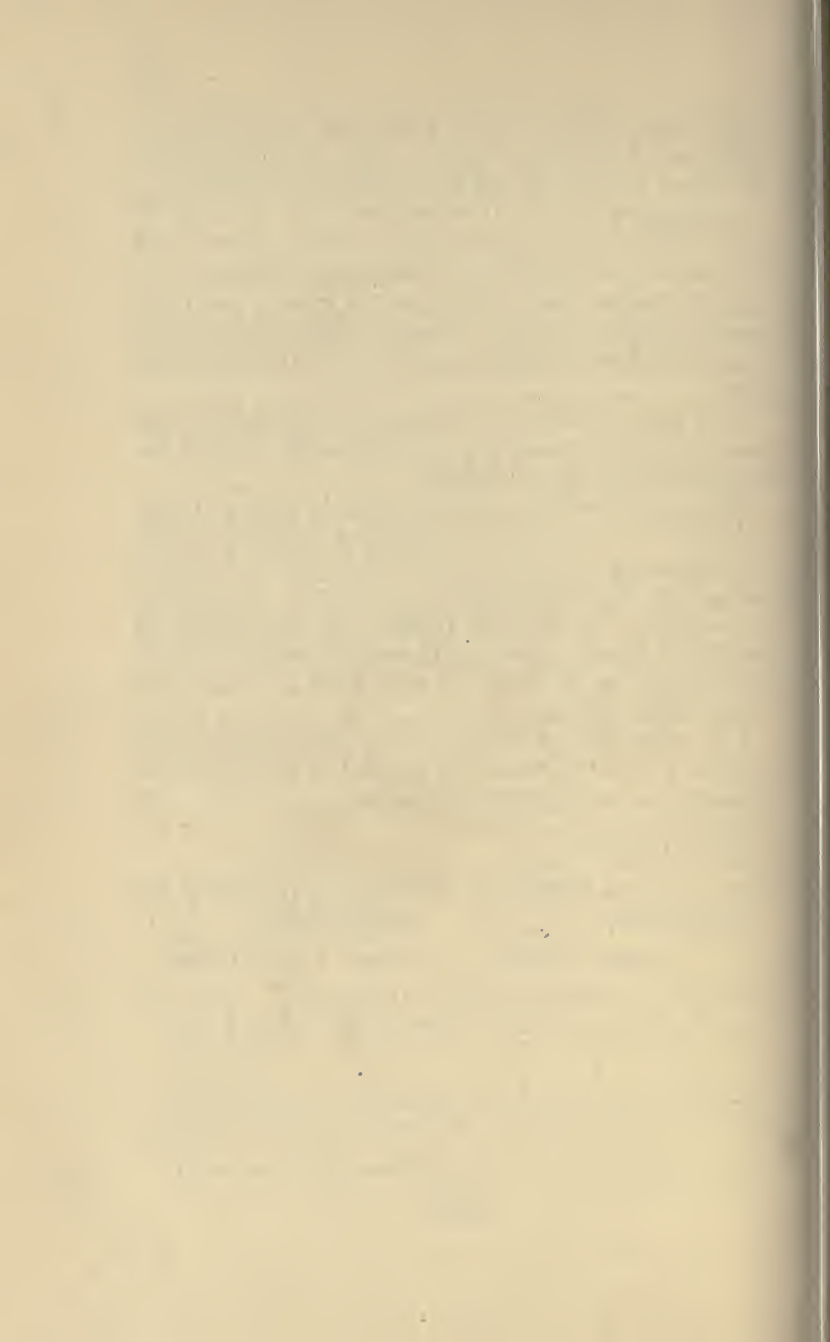
This process shall be exclusive of any other: it will not be possible, in principle, to ask the Naval Attachés directly for information regarding their own Marine.

*Paris, 16 July, 1912*

Chief of General Staff of the French Marine	Chief of General Staff of the Russian Marine
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*Signed:* AUBERT

*Signed:* PRINCE LIEVEN





# INTERNATIONAL CONCILIATION

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## THE GERMAN REVOLUTION

- I. The Documentary History of the German Revolution
- II. Manifesto of the Spartacus Group
- III. What Should be Changed in Germany, by Charles Andler. Translated by Grace Fallow Norton



APRIL, 1919

No. 137

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY

# THE UNIVERSITY OF CHICAGO

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## I

THE DOCUMENTARY HISTORY OF THE  
GERMAN REVOLUTION

Reprinted from *The Living Age*, March 1, 1919

Many points about the making of the German revolution are left obscure by the accounts hitherto published in this country. It is, however, possible to reconstruct its history from the official and other documents which have been published from time to time in the German press. This we propose to do, and as the documents are themselves of great historical interest and importance, we shall quote them in full.

The first act or prelude in the revolution was the naval mutiny at Kiel on November 5. It spread to Bavaria on November 7, and broke out in the capital of the Empire on November 9. It is probable that Saturday, November 9, was deliberately chosen beforehand to recall the Russian revolution of the previous year. It is still uncertain to what extent the revolution was prepared and concerted; it was, however, certainly not wholly spontaneous. The only statement which we have is one by the Majority party to the effect that their leaders were *for several weeks* in close consultation with the factory workers—a significant fact when it is remembered that the revolution was actually accomplished through a general strike of factory workers. The truth seems to be that the Majority party (and probably many of the leading Minority or independent Socialists) were, even as late

as November 6, opposed to any revolutionary action, but as the military situation became more desperate, they attempted to compromise by insisting upon such drastic steps as the abdication of the Kaiser. On November 4 and 6, the Majority paper *Vorwärts* was urgently appealing to the workers and warning them against agitators, flysheets, Bolshevism, and "Russian conditions," or, in one word, revolution. Then, suddenly, the Socialist papers began to demand the Kaiser's abdication. Even on the morning of Friday, November 8, the Socialist ministers, Ebert and Scheidemann, seem to have thought it possible that the revolution might be staved off by the Kaiser's resignation, and they issued the following ultimatum to Prince Max's government:

*Announcement of an Ultimatum to the Bourgeois Government Issued by the Socialist Majority Party, Expiring at Midnight on Friday, November 8, Demanding the Kaiser's Abdication.*

Peace is assured—in a few hours the armistice will have begun. Only let there now be no thoughtless acts, such as would cause the bloodshed which has ended at the front to reappear again at home. The Social Democratic Party is exerting all its power to get your demands fulfilled as quickly as may be!

Therefore, the Executive of the Social Democratic party and the Social Democratic Parliamentary party have put the following final demands to the Imperial Chancellor:

1. Permission to hold the meetings forbidden today.
2. Instructions for extreme caution to police and military.
3. Abdication of the Kaiser and Crown Prince by Friday mid-day.
4. Strengthening of the Social Democratic element in the government.



5. Conversion of the Prussian Ministry to conform to the programme of the Majority parties of the Reichstag.

If no satisfactory answer is given by Friday mid-day, then the Social Democrats will resign from the government.

Expect further news from us in the course of Friday afternoon.

THE EXECUTIVES OF THE SOCIAL DEMOCRATIC PARTY  
AND OF THE SOCIAL DEMOCRATIC PARLIAMENTARY  
PARTY.

This ultimatum was to expire on Friday mid-day; as a matter of fact, the time was extended until Friday midnight. But in the interval events moved with great rapidity; and when, in the "early hour" of Saturday morning, the Kaiser at last consented to retire into Holland, it was no longer merely a question of the resignation of Socialist Ministers, but of revolution. On Saturday morning many workers struck work spontaneously, and at 1 p.m. the following flysheet, calling a general strike, was issued from the offices of *Vorwärts*:

*Notice, Calling the General Strike, Published in an Extra Edition of Vorwärts, at 1 o'clock on Saturday, November 9.*

GENERAL STRIKE.

The Workers' and Soldiers' Council of Berlin has decided to call the General Strike. All factories are to stop. The necessary feeding of the population will continue. A large part of the garrison has put itself at the disposal of the Workers' and Soldiers' Council in units armed with machine guns and rifles. The movement is to be led jointly by the Social Democratic party of Germany and the Independent party of Germany. Workers and soldiers! See to it that quiet and order are maintained! Long live the Socialist Republic!

THE WORKERS' AND SOLDIERS' COUNCIL.

A few hours were sufficient for accomplishing the "bloodless revolution," and in the afternoon motor cars dashed through Berlin with the following notice announcing the success of the revolution:

*Flysheet Issued in Berlin on the Afternoon of Saturday,  
November 9, Announcing the Success of the Revolution.*

WORKERS, SOLDIERS, FELLOW CITIZENS!

The Free State has come!

Emperor and Crown Prince have abdicated!

Fritz Ebert, the chairman of the Social Democratic party, has become Imperial Chancellor and is forming in the Empire and in Prussia a new government of men who have the confidence of the working population in town and country, of the workers, and of the soldiers. Herewith public power has passed into the hands of the people. A National Assembly to settle the Constitution will meet as quickly as possible.

Workers, soldiers, citizens! The victory of the people has been won; it must not be dishonored by thoughtlessness. Economic life and transport must be maintained at all costs, so that the people's government may be secured under all circumstances.

Obey all the recommendations of the people's government and its representatives. It is acting in the closest union with the workers and soldiers.

Long live the German People's Republic!

THE EXECUTIVE OF THE SOCIAL DEMOCRACY  
OF GERMANY.

THE WORKERS' AND SOLDIERS' COUNCIL.

Then Scheidemann appeared on the balcony of the Reichstag and addressed the crowd in the following speech:

*Scheidemann's Speech to the People from the Balcony of the Reichstag on the Afternoon of November 9.*

WORKERS AND SOLDIERS!

The German people have won all along the line. What is old and corrupt has yielded. Militarism has yielded. The Hohenzollerns have abdicated. Long live the German Republic! Ebert has been proclaimed Imperial Chancellor. Comrade Ebert is thereby commissioned to form a new government. All Social Democratic groups will belong to this government. Now our task is not to let this glorious victory, this complete victory of the German people, be besmirched. Therefore, I beg you to see to it that there is no disturbance to the public safety. We must be able to be proud of this day forever. Nothing must happen which might later be thrown in our teeth.

Quiet, order, and security, these are what we need now. The General commanding in the marches and the War Minister Scheuch, will each receive an adviser. Deputy Göhre will sign all statements of the War Minister as well as Scheuch. It is, therefore, your duty now to respect all statements signed by Ebert, Scheuch, and Göhre. See to it that the new German Republic which we are setting up is not interfered with by anything. Long live the German Republic!

Prince Max handed over the Chancellorship to the Socialist Ebert, and announced the abdication of the Kaiser. But the Kaiser himself waited for nineteen days in Holland before signing his formal Act of Abdication.

*Act of Abdication Signed by the Emperor William II at Amerongen, in Holland, on November 28, 1918.*

I hereby renounce forever the rights to the Crown of Prussia and the rights to the German Imperial Crown therewith bound up. At the same time I release all officials of the German Empire and of Prussia, as also all officers, non-

commissioned officers, and rank and file of the navy, the Prussian army, and the troops of the Federal contingents, of their oath of loyalty, which they took to me as their Emperor, King, and Commander-in-Chief. I expect of them that until the German Empire is ordered anew they will help those men who hold the actual power in Germany to protect the German people against the threatening dangers of anarchy, famine, and foreign domination.

Given by our own hand and under our own seal,

At Amerongen, November 28, 1918.

WILLIAM.

The new government immediately announced its accession to power in a flysheet, and its policy in a decree, but its programme could not be declared until its composition had finally been agreed upon. Saturday afternoon and evening were occupied by negotiations between the Majority and Minority Socialists, and the demands of the Minority and the answer of the Majority are shown in the statement issued by the latter at 8:30 p. m. Agreement as to the conditions of a Coalition Government were at last reached. It was to consist of three Majority Socialists, Ebert, Scheidemann, and Landsberg, and three Minority Socialists, Haase, Dittmann, and Barth. This cabinet of six—they call themselves indifferently *The People's Commissaries*, or *The Imperial Government* (*Reichsregierung*), i. e., Central Government for the whole Empire—issued its programme on November 12:

*Flysheet Issued on November 9 by Ebert to Inform the Public that He had Taken Over the Chancellorship.*

The previous Imperial Chancellor, Prince Max of Baden, has, with the consent of the various Secretaries of State, handed over to me the conduct of the Imperial Chancellor's business. I am in process of forming the new government by



agreement with the parties, and will shortly inform the public of the result. The new government will be a People's government. Its aim must be to give the German people peace as soon as possible, to secure for it the liberty which it has won. Fellow citizens! I beg you all for your support in the difficult work which awaits us. You know how heavily the war threatens the people's food supply, the first prerequisite of political life.

The political revolution must not disturb the feeding of the population. It must remain the first duty of all in town and in country not to hinder but to further the production of food and its transport into the towns. Want of food supplies means plunder and robbery, with misery for all. The poorest would suffer most, the industrial workers would be hit the most hardly. Whoever interferes with the supplies of food or other objects of necessity, or with the means of transport necessary to their distribution commits the heaviest sin against the community.

Fellow citizens! I beg you all most earnestly: Leave the streets. See that peace and order are maintained.

(Signed) EBERT  
Imperial Chancellor

*Decree Issued by the New Revolutionary Government on  
the Evening of November 9.*

COMRADES!

This day has completed the freeing of the people. The Emperor has abdicated, his eldest son has renounced the throne. The Social Democratic party has taken over the government, and has offered entry into the government to the Independent Social Democratic party on the basis of complete equality. The new government will arrange for an election of a Constituent National Assembly, in which all citizens of either sex who are over twenty years of age will take part with absolutely equal rights. After that it will resign its powers into the hands of the new representatives of the people.

Until then its duties are:

To conclude an armistice and to conduct peace negotiations; to assure the feeding of the population.

To secure for the men in the army the quickest possible orderly return to their families and to wage-earning work.

For this the democratic administration must begin at once to work smoothly. Only by means of faultless working can the worst disasters be avoided. Let each man, therefore, realize his responsibility to the whole. Human life is sacred. Property is to be protected against illegal interference. Whoever dishonors this glorious movement by vulgar crimes is an enemy of the people and must be treated as such. But whoever coöperates with honest self-sacrifice in our work, on which the whole future depends, may say of himself that at the greatest moment of the world's history he joined in to save the people.

We face enormous tasks. Laboring men and women, in town and country, men in the soldier's uniform and men in the workman's blouse, help, all of you!

EBERT, SCHEIDEMANN, LANDSBERG.

*Answer of the Majority Socialist Party to the Demands of the Independent Socialists Concerning the Basis on Which They Should Both Agree to Form One Government, Issued at 8:30 p. m., on November 9.*

TO THE EXECUTIVE OF THE INDEPENDENT SOCIAL DEMOCRATIC PARTY.

Guided by the sincere wish to achieve a union, we must make clear to you our attitude to your demands. You demand:

1. *That Germany is to become a Socialist Republic.* Answer: This demand is the goal of our own policy; nevertheless, it is for the people and the Constituent National Assembly to decide.

2. *In this Republic the whole executive, legislative, and judicial power is to be exclusively in the hands of the chosen men of the total laboring population and the soldiers.* Answer: If this

demand means the dictatorship of a part, a class, without the majority behind it, then we must reject this demand, because it would run counter to our democratic principles.

3. *Exclusion from the Government of all bourgeois members.* Answer: This demand we must reject, because to accede to it would seriously endanger the feeding of the people, if not make it impossible.

4. *The participation of the Independents shall only be valid for three days, as a temporary measure, in order to create a government capable of concluding the armistice.* Answer: We hold that a coöperation of the Social Democratic groups is necessary at least until the meeting of the Constituent Assembly.

5. *The Departmental Ministers shall count only as technical assistants to the Cabinet, which alone shall take decisions.* Answer: We agree to this demand.

6. *Equal powers to the joint Presidents of the Cabinet.* Answer: We are for the equal powers of all members of the Cabinet; nevertheless, the Constituent Assembly will have to decide on this.

It is to be hoped from the good sense of the Independent Social Democratic party that it will achieve a union with the Social Democratic party.

THE EXECUTIVE OF THE SOCIAL DEMOCRATIC PARTY  
OF GERMANY. (Signatures.)

*Programme of the New Revolutionary Government, Announced by the Berlin Cabinet\* of Six.*

TO THE GERMAN PEOPLE!

The government which the Revolution has produced, whose political convictions are purely Socialist, is undertaking the task of realizing the Socialist programme. They now make the following announcements, which will have the force of law:

1. The state of siege is abolished.
2. The right of association and meeting is subject to no limitations, not even for officials and State workers.

3. The censorship ceases to exist. The censorship of plays is abolished.

4. Expression of opinion, whether by word of mouth or in writing, is free.

5. Freedom of religious practice is guaranteed. No one shall be compelled to perform any religious act.

6. An amnesty is granted for all political punishments. Trials now proceeding for such crimes are quashed.

7. The Law of (compulsory) National Auxiliary Service is abolished with the exception of the provisions referring to the settlement of disputes.

8. The Domestic Services Decrees become null and void; also the Exceptional Laws against rural workers.

9. The laws protecting Labor, which were abandoned at the beginning of the war, are herewith restored. Further orders of a social-political nature will be published shortly. On January 1, 1919, at latest, the Eight-Hour Day will come into force. The government will do all that is possible to secure sufficient opportunities of work. An Order *re* the support of unemployed is ready. It divides the burden between the Empire (Federal), state, and municipality. In the sphere of sickness insurance, the insurance obligation will be increased beyond the present limit of 2,500 marks (£125). The housing difficulty will be dealt with by the building of houses. Efforts will be made to secure regular feeding of the people. The government will maintain ordered production, will protect property against private interference, as well as the freedom and security of individuals. All elections to public bodies are immediately to be carried out according to the equal, secret, direct, and universal franchise on the basis of proportional representation for all male and female persons of not less than twenty years of age; this franchise also holds for the Constituent Assembly, concerning which more detailed orders will follow.

Berlin, November 12, 1918.

EBERT, HAASE, SCHEIDEMANN,  
LANDSBERG, DITTMANN, BARTH.

[ 14 ]



The appeal to abstain from disorder so as not to imperil the food supply, which appears in these early documents, is repeated in a vast number of statements issued by every kind of authority all over the country. It shows that from the first moment of the revolution the new government were as urgent with their own people on this subject as Doctor Solf has been with the Allies. In a second appeal, issued by Ebert on the first day of the revolution, the statement is made that it is proposed to retain the *bourgeois* administrative services in order to avoid confusion and breakdown of supply. This is typical of innumerable other statements issued in other parts of the country.

The question of public order was naturally bound up with that of maintaining discipline in the army. The lesson of the Russian revolution is shown by the new government's determination to maintain discipline and the command of officer over private. At the same time, the old military system could not be retained, and the government defined the relations which were to exist between officers and men in a very interesting telegram to the High Command. The attitude of the Army Command in not challenging the revolution made the government's path easier in this delicate and difficult matter. Hindenburg's announcement that he would coöperate with the Berlin government has appeared in our press; statements, for which we have no space here, show that the local military authorities followed suit:

*Telegram of the People's Government in Berlin to the High Command, Defining the Relations of Soldiers to Officers and Regulating Military Discipline; Issued by the Wolff Bureau on November 12.*

The People's Government is inspired by the wish to see each of our soldiers return to his home as quickly as possible after his unspeakable sufferings and unheard-of deprivations. But this goal can only be reached if the demobilization is carried out according to an orderly plan. If single troops stream back at their own pleasure, they place themselves, their comrades, and their homes in the greatest danger. The consequences would necessarily be chaos, famine, and want. The People's Government expects of you the strictest self-discipline in order to avoid immeasurable calamity. We desire the High Command to inform the army in the field of this declaration of the People's Government, and to issue the following orders:

1. The relations between officer and rank and file are to be built up on mutual confidence. Prerequisites to this are willing submission of the ranks to the officer, and comradely treatment by the officer of the ranks.
2. The officer's superiority in rank remains. Unqualified obedience in service is of prime importance for the success of the return home to Germany. Military discipline and army order must, therefore, be maintained under all circumstances.
3. The Soldiers' Councils have an advisory voice in maintaining confidence between officer and rank and file in questions of food, leave, the infliction of disciplinary punishments. Their highest duty is to try to prevent disorder and mutiny.
4. The same food for officers, officials, and rank and file.
5. The same bonuses to be added to the pay, and the same allowances for service in the field for officers and rank and file.
6. Arms are to be used against members of our own people only in cases of self-defense and to prevent robberies.

(Signed) EBERT, HAASE, SCHEIDEMANN,  
LANDSBERG, BARTH.

The last document contains the statement that the Soldiers' Councils are to have "an advisory voice." This brings us to the obscure subject of the Workers' and Soldiers' Councils and their relation to the government. The Councils are of two kinds: (1) true Soldiers' Councils, formed at the front and in garrison towns and including officers, and (2) Workers' and Soldiers' Councils, formed of civilians and those soldiers who had returned home. The first gave a strong support to the new government, and demand, with that government, that a Constituent Assembly shall be summoned as soon as possible, and shall determine the future Constitution before any elaborate "socialization of industry" is attempted. It is said by some that this attitude of the Soldiers' Councils is influenced by the presence of officers in them, but it is probable that the returning soldier supports the Berlin and other governments because what he dreads is disorganization and unemployment. The government obtains their support by promising employment and the rationing of work through an eight-hour day. This appears clearly in the following document:

*The Imperial Cabinet to the Returning Soldier.*

TO THE RETURNING SOLDIERS!

COMRADES! The German Republic heartily bids you welcome home! You went forth for a country in which you had no say, in which a handful of men in authority had shared out between themselves power and possession. You were but allowed to be silent and to fight, while hundreds of thousands had to be silent and die before your eyes.

Today you return to your own country in which no one in future has anything to say or to decide except the people itself, which is now receiving you once more as members. The

revolution has broken the spell: you and we are free, Germany is free. Our Socialist Republic is to enter the League of Nations as the freest of all. And you are not only to find all the political rights of which hitherto you have been deprived; your country is also to become your possession and your inheritance in an economic way, in that no one shall any more, with our consent, exploit you and enslave you.

The Imperial government, which has been created and is being supported by the confidence of your comrades and of the workers, will get you work, protection while you work, and higher wages from your work. The eight-hour day, insurance for unemployment, creation of employment, development of sickness insurance, the solution of the housing question, socialization of those industries which are ready for it: everything is in process, is already partly law!

Come and be welcomed as the men who are to carry on the new Republic and its future. It is true you will find scarcity among us in foodstuffs, in all economic materials; there is distress and deprivation in the country. We can only get help from work in common, from action taken together. Only a Germany which has a government secured and anchored in the workers and soldiers can get from our previous opponents what you have fought for and longed for during four years—peace!

Council of the People's Commissaries,

EBERT, HAASE, SCHEIDEMANN,  
DITTMANN, LANDSBERG, BARTH.

It is feared in some quarters in Germany that with the demobilization of the army the true Soldiers' Councils will cease to exist and all power will come into the hands of the Workers' and Soldiers' Councils, where the Extremists of the Spartacus group exercise such power as they have. At the time of writing there has just been fighting in Berlin which seems to have left Ebert and the Majority Socialists still more

firmly established in power. Conditions vary from place to place. In Berlin, from the outset, there has been some attempt to imitate the Russian Bolshevik theory, but for this men like Ebert, Scheidemann, Haase, Bernstein, and Kautsky have no sympathy.

*The International Review*



## II

## MANIFESTO OF THE SPARTACUS GROUP

Reprinted from the *New York Times*, January 24, 1919

PROLETARIANS! MEN AND WOMEN OF LABOR! COMRADES!

The revolution has made its entry into Germany. The masses of the soldiers who for four years were driven to the slaughterhouse for the sake of capitalistic profits, the masses of workers, who for four years were exploited, crushed, and starved, have revolted. That fearful tool of oppression—Prussian militarism, that scourge of humanity—lies broken on the ground. Its most noticeable representatives, and therewith the most noticeable of those guilty of this war, the Kaiser and the Crown Prince, have fled from the country. Workers' and Soldiers' Councils have been formed everywhere.

Proletarians of all countries, we do not say that in Germany all the power has really been lodged in the hands of the working people, that the complete triumph of the proletarian revolution has already been attained. There still sit in the government all those Socialists who in August, 1914, abandoned our most precious possession, the International, who for four years betrayed the German working class and at the same time the International.

But, proletarians of all countries, now the German proletarian himself is speaking to you. We believe we have the right to appear before your forum in his

name. From the first day of this war we endeavored to do our international duty by fighting that criminal government with all our power and branding it as the one really guilty of the war.

Now at this moment we are justified before history, before the International, and before the German proletariat. The masses agree with us enthusiastically, constantly widening circles of the proletariat share the knowledge that the hour has struck for a settlement with capitalist class rule.

But this great task cannot be accomplished by the German proletariat alone; it can only fight and triumph by appealing to the solidarity of the proletarians of the whole world.

Comrades of the belligerent countries, we are aware of your situation. We know very well that your governments, now since they have won the victory, are dazzling the eyes of many strata of the people with the external brilliancy of the triumph. We know that they thus succeed through the success of the murdering in making its causes and aims forgotten.

But we also know something else. We know that also in your countries the proletariat made the most fearful sacrifices of flesh and blood, that it is weary of the dreadful butchery, that the proletarian is now returning to his home, and is finding want and misery there, while fortunes amounting to billions are heaped up in the hands of a few capitalists. He has recognized, and will continue to recognize, that your governments, too, have carried on the war for the sake of the big money bags. And he will further perceive that your governments, when they spoke of "justice and civilization" and of the "protection of small nations," meant the profits of capital just as did ours when it

talked about the "defense of the home"; and that the peace of "justice" and of the "League of Nations" amounts to the same base brigandage as the peace of Brest-Litovsk. Here, as well as there, the same shameless lust for booty, the same desire for oppression, the same determination to exploit to the limit the brutal preponderance of murderous steel.

The imperialism of all countries knows no "understanding," it knows only one right—capital's profits; it knows only one language—the sword; it knows only one method—violence. And if it is now talking in all countries, in yours as well as ours, about the "League of Nations," "disarmament," "rights of small nations," "self-determination of the peoples," it is merely using the customary lying phrases of the rulers for the purpose of lulling to sleep the watchfulness of the proletariat.

Proletarians of all countries! This must be the last war! We owe that to the 12,000,000 murdered victims, we owe that to our children, we owe that to humanity.

Europe has been ruined through the infamous international murder. Twelve million bodies cover the gruesome scenes of the imperialistic crime. The flower of youth and the best man power of the peoples have been mowed down. Uncounted productive forces have been annihilated. Humanity is almost ready to bleed to death from the unexampled blood-letting of history. Victors and vanquished stand at the edge of the abyss. Humanity is threatened with the most dreadful famine, a stoppage of the entire mechanism of production, plagues, and degeneration.

The great criminals of this fearful anarchy, of this chaos let loose—the ruling classes—are not able to

control their own creation. The beast of capital that conjured up the hell of the world war is not capable of banishing it again, of restoring real order, of insuring bread and work, peace and civilization, justice and liberty, to tortured humanity.

What is being prepared by the ruling classes as peace and justice is only a new work of brutal force from which the hydra of oppression, hatred, and fresh bloody wars raises its thousand heads.

Socialism alone is in a position to complete the great work of permanent peace, to heal the thousand wounds from which humanity is bleeding, to transform the plains of Europe, trampled down by the passage of the apocryphal horseman of war, into blooming gardens, to conjure up ten productive forces for every one destroyed, to awaken all the physical and moral energies of humanity, and to replace hatred and dissension with fraternal solidarity, harmony, and respect for every human being.

If representatives of the proletarians of all countries stretch out their hands to each other under the banner of socialism for the purpose of making peace, then peace will be concluded in a few hours. Then there will be no disputed questions about the left bank of the Rhine, Mesopotamia, Egypt, or colonies. Then there will be only one people: the toiling human beings of all races and tongues. Then there will be only one right: the equality of all men. Then there will be only one aim: prosperity and progress for everybody.

Humanity is facing this alternative: dissolution and downfall in capitalist anarchy, or regeneration through the social revolution. The hour for decision has struck. If you believe in socialism, it is now time to show it by deeds. If you are Socialists, now is the time to act.



Proletarians of all countries, when we now summon you to a common struggle it is not done for the sake of the German capitalists who, under the label "German nation," are trying to escape the consequences of their own crimes; it is being done for our sake as well as for yours. Remember that your victorious capitalists stand ready to suppress in blood our revolution, which they fear as their own. You yourselves have not become any freer through the "victory," you have only become still more enslaved. If your ruling classes succeed in throttling the proletarian revolution in Germany, as well as in Russia, then they will turn against you with redoubled violence. Your capitalists hope that victory over us and over revolutionary Russia will give them the power to scourge you with a whip of scorpions and to erect the thousand-year empire of exploitation upon the grave of socialism.

Therefore the proletariat of Germany is looking toward you in this hour. Germany is pregnant with the social revolution, but socialism can only be realized by the proletariat of the world.

And therefore we call to you: "Arise for the struggle! Arise for action! The time for empty manifestos, platonic resolutions, and high-sounding words has gone by! The hour of action has struck for the International!" We ask you to elect Workers' and Soldiers' Councils everywhere that will seize political power and, together with us, will restore peace.

Not Lloyd George and Poincaré, not Sonnino, Wilson, and Erzberger or Scheidemann, must be allowed to make peace. Peace is to be concluded under the waving banner of the socialist world revolution.

Proletarians of all countries! We call upon you to complete the work of socialist liberation, to give a



human aspect to the disfigured world, and to make true those words with which we often greeted each other in the old days and which we sang as we parted: "And the International shall be the human race."

KLARA ZETKIN  
ROSA LUXEMBURG  
KARL LIEBKNECHT  
FRANZ MEHRING

## III

## INTRODUCTION

Charles Andler has been, for the last twenty-five years, one of the keenest students of Germany's inner politics. Being himself in close touch, at a certain time, with the French socialists and their leader, Jean Jaurès, he may have been blinded as to certain conditions of European affairs; he has always, nevertheless, been singularly well-informed respecting the evolution which characterized German socialism since the days of Bebel and Liebknecht.

Born in Strasbourg on March 11, 1866, before the Franco-Prussian War, Charles Andler followed his father, an Alsatian pharmacist, out of his invaded province. After distinguished high school studies at Gray and in Paris, he entered the *École Normale Supérieure*, with a strong vocation for philosophical work; his too radical views, however, are said to have prevented him from continuing along that line. He decided then to be a student of German literature, but kept always a distinct liking for metaphysics, theories and systems. A longer stay in Berlin and some other German universities enabled him to know, otherwise than from books and newspapers, the main representatives of liberal Germany in the late eighties and early nineties. As a high school teacher in Nancy, shortly afterwards as a *maître de conférences* in the *École Normale Supérieure*, Andler made rapidly his way to the Sorbonne, where he is now professor of German language and literature.

His doctor's dissertation on *Les Origines du Socialisme d'État en Allemagne* (Paris, 1897), an original interpretation of *Le Prince de Bismarck* (Paris, 1899), were his first approaches at a description, and even at a prognostication, concerning German internal affairs. He certainly believed, in those days, in a liberating force which, spreading from the organized proletariat of Germany, would sooner or later bring over the world a peaceful and idealistic reform of economic conditions. His first discovery of different realities was late, but outspoken and unbiassed; in October, 1912, then in April, 1913, he pointed out, in a newspaper article and in a political address, to what extent German socialism of the hour was imperialistic. An essay in the *Revue socialiste* (May, 1913) to the same point ("Ce qu'il y a d'impérialisme dans le socialisme allemand d'aujourd'hui") brought him rebuke and reproof from his French fellow-partisans. Andler had only shown, with texts borrowed from the leaders of German socialism and from the proceedings of recent congresses, that no real counterpoise, in many cases even disguised support and sympathy, was to be found, in a militaristic Germany of world-wide ambitions, in the main opinions of a party mainly interested in material ameliorations, higher salaries, and the like.

The war has proved, on the whole, the correctness of Andler's disclosures. To what extent his hopes for a sincerely liberal Germany (similar to that which, in 1848, was unable to assert herself practically) are correct, has to be verified by the events themselves. But it may be interesting to note that, after the ad-

dress which is given here in translation, Andler delivered another lecture on the falsity of the first German "democratisation" (*Foi et Vie*, October 10, 1918): "La Démocratie en Allemagne."

F. BALDENSBERGER

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There can be no doubt that the tomorrow of Germany is one of the most critical questions of the moment. Germany will eventually take her place in the society of nations and in all probability as one of the great powers. The defeat of Prussian militarism and aggression has been absolute and overwhelming, and with the collapse of the armed forces has come a disruption of the German political system. The Germany of today is very different from the Germany which M. Andler analyzes so thoroughly in the following lecture delivered on March 4, 1917, and yet it may be that changes effected in so short a time are more apparent than real. M. Andler's article is, therefore, of distinct value in pointing out certain fundamental qualities in the German complex in 1914, which must be altered beyond question before Germany can become a member of the League of Nations, because they are qualities which can not exist in a wholesome democratic society, and it is only upon a truly democratic basis that our society of nations can be secure.—The Editor.



## WHAT SHOULD BE CHANGED IN GERMANY

By CHARLES ANDLER

*Translated by GRACE FALLOW NORTON*

Along with the general difficulty which we experience in representing to ourselves the world of tomorrow, perhaps the most thankless single difficulty lies in knowing how to make a place there for Germany. The German nation seems to us at the present hour a foreign substance in Europe. It seems to us something which we can never assimilate.

But in what way is Germany so irreducibly different from ourselves? Here we must be scrupulous to a degree, not to flatter the prejudices of the moment, not to cede even to the most legitimate resentment. We must not say things of which, after the peace, we should be ashamed and which we should have to retract. We must realize that Germany is in general on the same level of civilization as ourselves, and take that fact into account. She is our equal in all that is meant by science and philosophy, in all that is meant by general culture, and in all the principal arts. If this be disputed, let but Bach and Beethoven be heard!

But the scandal of the world is that a people set so high in civilization should be thus responsible for the present war, for a war carried on with the scientific and premeditated methods of atrocity. . . . How shall we explain this outrageous fact? I will anticipate

my conclusions by telling you where I seek the explanation. Germany, although so profoundly cultivated in so many respects, is politically the very opposite. She has neither the taste nor the talent for liberty. She does not respect in other peoples feelings and ideas which are not yet ripe in herself, or which have been smothered. It is none the less certain that Germany cannot enter into the society of nations until the day on which she does respect these things.

A few weeks ago—to be exact, on the 24th of January, 1917—there appeared a circular by the Prussian Minister of Public Instruction, Herr von Trott zu Solz. The minister said: "We must educate our political thinking; we must give a political education to the youth of Germany. It is of the utmost importance and urgency that we raise the level of our culture as regards our exterior politics."<sup>1</sup> As one might suppose, what this junker especially wishes is the education of the youth of Germany in Germanism. Nevertheless, in itself this is an admission. The minister perceives that during this war there has been a sort of bankruptcy of the German intellectual preparation. He perceives that the Germans do not know the other nations. They have spread themselves among them in crowds; they have collected statistics; but in reality they always remained strangers, lacking respect, blindly self-confident. They did not bring back with them any deepened or psychological understanding; nor did the government attempt to spread such understanding. The paternalism of the *ancien régime* always assumed that only those directing the state were qualified to inform themselves concerning the affairs of the state. There was a famous phrase cur-

<sup>1</sup> *Denkschrift über Förderung der Auslandstudien.*

rent in the eighteenth century concerning the "limited intelligence of the governed" (*beschränkter Untertanenverstand*). In our day we smile at the expression; it seems antiquated. Nevertheless, the state of things which it describes and criticizes still exists.

If I picture to myself correctly the average Germans, both the common people and the *bourgeoisie*, they are people without vision, men of a limited horizon, strictly specialized each in his own work, for whom the days pass in methodical labor, without overwork, and strangely secure and regular. In the evenings they do not disdain a glass of beer, a game of skittles, or choral singing. Some find leisure for communal or corporate interests. Yet, excellent patriots, almost all of them, they feel no other concern in the direction of the destinies of this country which they love. They tell themselves that it is safe behind the most powerful army in the world. They think the direction of public affairs is a trade like other trades, a specialty demanding an apprenticeship which the average German has not served. They consider that there are officials who have gone into this special study and who will toil with method, regularity, and patriotism to carry on these affairs. The average German has more confidence in the officials than in the Reichstag, because the Kaiser has more confidence in them than in the Reichstag—the Kaiser and the government passing as "above all parties." They say this and they are believed! Nor is it to be questioned that the government has at heart the protection of the material prosperity of the German people, as far as this is possible. It knows that material prosperity, particularly when conquered by the rude discipline and immense effort which the rapid economic expansion of Germany made

necessary, puts every other preoccupation to sleep. The mass of the people has not time or does not care to demand political rights when collective energy and individual effort are exhausted in the immense work for which people and government know so marvelously how to combine: the work of the economic expansion of Germany.

Meanwhile, what becomes of the internal liberties? And what of the external relations of the state? What use does the government make of the enormous force springing from the German people? The multitude takes no thought of this. Certain powerful leagues, the conservative League of Agriculturists, or the recent League of the Hansa, a more liberal organ of the great Jewish bank, have opened up a propaganda for economic ends. The Social Democrats made it their business to carry on in the press and in their public meetings a purely negative and theoretical criticism. Powerful enough in the city administrations, they claimed no title to the actual management of state business and their work of control was as devoid of sanction as is all the rest of German parliamentarism. "You have neither a revolutionary opposition nor a parliamentary opposition!" cried Jaurès to the German socialists at Amsterdam.

Where then lay the political life of Germany before 1914? It was the privilege of those leaders to whom the German people had confided their destiny. It was confined to that caste of junkers who furnish the high officials just as they furnish the generals, and who sometimes associate with themselves talent selected outside, from among the specialists in law or in the technique of industry or finance. In order to escape control, up to 1907 this caste placed the greatest ob-



stacles in the way of the liberty of the press and the rights of assembly and association. Thus the people of every class, from Germany's great industries and her great commerce, her ancient and new middle class, and her intellectuals—all remained politically without culture, in spite of the overflowing wealth of the country and the enormous progress in technology.<sup>2</sup>

The unique political task and the duty par excellence of the good *bourgeois* patriots was to cry "Hoch!" at the passage of the court carriages and to decorate for those dynastic anniversaries which German particularism furnishes in quantities every year in each monarchy of the Empire. If one was reckoned among the "high lights of society," on these anniversaries one was invited to the usual banquet, dreaded for its dullness, where the "high lights" communed in a spirit of monarchic loyalty. And if any profound uneasiness troubled the German people, other well-known leagues, the *Wehrverein*, the *Flottenverein*, the general association of *Kriegervereine*, the Pan-germanist league, or simply the salaried press, would combine to stir up a roaring wave of chauvinism which would sweep all internal grievances away. Discord ceased at the approach of real or imaginary national peril. No one asked if there might not be certain men, powerful though few in number, whose interest lay in having some peril threaten from without, in order that they might be spared the sight of their power shaken from within.

Here we have the main points proposed for our analysis. The question is: What part of the respon-

<sup>2</sup> Compare the picture drawn by Konrad Haenisch, "*Die Politisierung der Deutschen*" (*Hamburger Echo*, February 9, 1917). Haenisch is an imperialistic and majoritarian socialist.

sibility for this war belongs to the German people? Should we distinguish between the government and the people? And are not the people, even without the responsibility of having taken the initiative, still accomplices because of their passive attitude toward the conduct of their governors? This is not easy to determine. The different social classes of Germany, unanimous in their aggressive furor, once the war is started, have not equal responsibility in the starting of war, because they have not equal power.

The great political fact which has rendered Europe uninhabitable for fifty years is well known to us; we make no mistake in calling it by name; it is Prussianism. While her civilization came to Germany from the west and the south, her political formation came from the east and the north. Here is the truly tragic fact in the destiny of Germany. For it follows that the qualities and defects of Prussia have been imposed on the political life of the whole German people. The Prussian cult of the will—behold the sole moral quality come from the marches of Brandenburg! The Prussian incapacity for understanding and respecting the preferences and liberty of those peoples with whom hazard brings the Germans in contact or brings into conflict with them: this is what Germany has learned from Prussia. The liberals of 1848 feared this robust, intolerant, intolerable Prussian will. That is why, though they were conscious of German unity, they considered dissolving Prussia into Germany. I am not speaking of the men of the extreme left, the republicans, so few in number, whose doctrines drew on a prejudice against Prussia. I am speaking of the moderate monarchists, such as Max and Heinrich von Gagern, Dahlmann, Rudolf Haym, Simson, Droysen,

and Max Duncker. These men would willingly have offered the crown to the King of Prussia. But on the other hand, they wanted Prussia broken up and to have Germany herself the mistress of her fate, instead of being ridden by that brutal and tyrannical cavalier—Prussia.

What, then, are the effects of Prussianism in Germany? They seem to me to be three in number:

1. The emasculation of the *bourgeoisie*.
2. The strengthening of the bureaucratic and military state.
3. The corruption of German science.

When we have considered these three important points more closely, we shall have a more fundamental opinion concerning the possibility of distinguishing between the responsibility of the German people and the responsibility of their government.

#### I. THE EMASCULATION OF THE BOURGEOISIE

The *bourgeoisie* that founded the great, free German cities of the Middle Ages and the Renaissance, was a great *bourgeoisie*. In the absolutist period it had already declined considerably. By the eighteenth century, the country which in former times had almost broken up into a federation of innumerable republican cities is no longer recognizable in the monarchies of the south and the east and particularly in the Prussia of Frederick II. In Prussia the *bourgeoisie* was quite crushed. It made use of the military exemptions and privileges accorded by the king in order to enrich itself. Stein had confidence in its future because it had education, capital, and good manners and customs. But it demanded no rights and Stein's political sense

failed him in so far as the most important cities of Prussia, and even Berlin itself, resisted the *Städteordnung*, introduced by him, which was the first chart of communal authority for the great cities.

In the states of the south and west, the cities had been declining for three hundred years. Throughout those flourishing towns, where the sumptuous town-halls of the Renaissance and so many fine patrician dwellings had been built, German political incapacity and the stupid rivalry between neighboring republics had assured the triumph of the princes ever since the sixteenth century. For two centuries the palaces of princes had been replacing the old municipal architecture. Cities were proud to become the "residence" of some prince-bishop. Thus the German *bourgeoisie* reaches the threshold of the nineteenth century, without political tradition and without pride. When Prussia overflowed upon the west and south in 1815 and 1866, the *bourgeoisie* was filled with a respect without limit for the Prussian nobility of the sword, for the junkers, who had conquered it and conquered its princes. They rivalled the junkers and the military in their servility to the Prussian crown. In Prussia, the *bourgeoisie* would perhaps never have been emancipated without the aid of certain great aristocrats like Stein. Throughout the last century the principal leaders of the *bourgeois* parties in all the parliaments of Germany, were also aristocrats, converts to liberalism: such men as von Gagern, von Vincke, von Bennigsen, von Hoverbeck. It would seem as though the burghers themselves lacked the energy to defend their rights; but an enlightened aristocrat appearing in their ranks was immediately recognized as a leader and imposed his personality upon them.



This alone is a bad sign morally. We should add that the *bourgeoisie* seemed predestined economically to betray liberalism. It betrayed it during two epochs: first in Prussia, in order to enrich itself; afterwards in the unified Empire, in order definitely to establish the power of big capital.

Without doubt the Prussian *bourgeoisie* was liberal around 1815. It had to break the ancient corporative mercantilism, the ancient system of guild mastership, and all those feudal rights which prevented cities from spreading outside of their walls. A wholly negative task which the Prussian *bourgeoisie* left to its reform ministers to accomplish rather than accomplished itself. But this task of economic liberalism once realized, the Anglo-French political liberalism went aground in Prussia. Prussian liberalism died of an internal contradiction which broke out at the time of the sad shipwreck of the revolution of 1848 and as a result of the constitutional conflict in Prussia in 1866. The parceling out of Germany, German particularism, *Kleinstaaterei*, were the causes of the meekness of the *bourgeoisie*. In order to break down the resistance of particularism, a strong force was needed. That was why the Prussian *bourgeoisie* counted only on its king and its army. But in the other states, especially in Wurtemberg and Baden, the *bourgeoisie* also cried for help to this Prussian army and this Prussian royalty. The manifesto of the Wurtemburger, Paul Pfizer, in 1832, was prophetic of this evolution. Thirty years later, in 1866, the entire liberal *bourgeoisie* thought as did this bad poet, who was a very calculating opportunist politician, and who, at a time when all the nations were rising in revolution, thought only of how to curb the German people beneath a discipline which

he wished to be Prussian. What likelihood was there of the success of the revolution of 1848, when on every side the *bourgeoisie* applauded the crushing out of the insurrections in the Palatinate and in Baden by the Prussian army? What likelihood that the conflict between the parliamentarians and the militarists of Prussia during the period from 1861 to 1866 could end in a victory over Prussian militarism, when the parliamentarians were hoping for Prussian victory on the battlefields?

However, must we say that the Germans have no democratic instincts? There is probably nothing older than this instinct in all the western peoples. Concerning the democratic character of the organization of the most ancient Germanic tribes, I do not believe that the historians Waitz, Sybel, or Dahn have lied to us.<sup>3</sup> One can see the minister, von Stein, who, full of the idea of reinstating his people, preferred to live among the Westphalian peasants, "because they did not salute him." The Westphalian peasant does not salute his squire until he is sure that the salute will be returned. One can also understand the appreciative remark of that Prussian magistrate, *Landrat* of a Westphalian district, where, by the way, the vote is always given to the Catholic center: "They are red inside!" That is to say, internally revolutionary. But why has nothing ever come out of this profound instinct? If it is true, according to the assertion of Gierke, one of the most eminent German jurists, that German law is corporative, then the German state should also be corporative. It should be a free corporation of citizens. The directing will of the state

<sup>3</sup> But it was a barbaric democracy which would be found as well among the Magyars or the primitive Slav peoples.

should not come from an individual surrounded by a crew of military men and bureaucrats, but from the people themselves called together to deliberate their own destiny. That which has triumphed is, on the contrary, *German constitutionalism*. We must see what is masked beneath this apparently liberal term.

What, specifically, is this constitutionalism, admired by the whole German *bourgeoisie* and considered by German theoreticians, of whom Treitschke is the foremost, as the most perfect synthesis of authority and liberty, a sort of masterpiece of modern public law? Bismarck, after having created it, thus—too late—defined it: “My principal preoccupation,” he said to the students of Jena in 1897, “*was to strengthen the crown.*” Kindly remember this astonishing statement! In every other country “constitutionalism” has consisted in strengthening the guaranties given to the people and in augmenting the power of their representatives. There is one country in the world where, even before absolutism had been wholly destroyed, constitutionalism consisted in fortifying the royal power which as yet no revolution had shaken. This conception of “constitutionalism” is specifically Prussian; it is specifically that of Prussianized Germany.

Do not offer the objection that Bismarck introduced universal suffrage into the Empire! If he had recognized universal suffrage as a right of the people, would he not have introduced it into Prussia as well? And since then, would the King of Saxony or the patrician republic of Hamburg have been permitted to wrest their franchise from the Saxons and the people of Hamburg? In 1867 Prussia needed a war-machine to break the last resistances of German particularism, especially in the south. The dynasties were not adapt-

ing themselves easily to their rôle of vassals, nor the aristocratic classes to their humiliation before the Prussian junkers. Bismarck broke them by "that war with revolutionary strokes" which he carried on along with the other war. His deeply hidden motive he afterwards expressed: he expected to withdraw this temporary reform of universal suffrage after it had fulfilled its mission.

His last plan for internal politics was that project for a *coup d'état* wherein, after a rising during which the working-classes, artificially incited, were to be decimated, restricted suffrage should be restored. The crown, strengthened though it was, did not dare follow Bismarck that far. William II. himself did not wish, as he protested to his chancellor, "to wade up to his ankles in the blood of his people." Had royalty, built to be strong, suddenly become weak? Bismarck could not believe it. He began to think—too late—that perhaps he had made it too strong. We know from diverse confidences that during his last days two of his beliefs were shaken. He came to doubt, first, Providence, of which he had always believed himself to be the chosen instrument and which had abandoned him at the caprice of a young blunderer with a crown; and second, his own political doctrine. For in 1890 it was responsible for this monstrous thing: no one in the Reichstag dared question the government concerning the causes which had brought about the fall of the greatest statesman who had ever arisen in Germany! Behold where the system led which had tended exclusively towards making royalty strong and parliament weak! Thus the "German constitutionalism" created by Bismarck according to his own proportions, just to fit himself and his Kaiser, was no longer viable when



the Kaiser changed. The system of "strong monarchy" means more precisely the sum of personal confidence existing between a monarch and his prime minister. It supposes in the king the talent for choosing his minister well, and in the minister, a fidelity to authority, maintained against all odds. It can be conceived that Bismarck defended this exceptional position with a tenacity which stopped before no measure of violence and no base procedure. He declared whoever desired a less personal form of power to be "an enemy of the Empire" (*Reichsfeind*). For him, to be *patriotic* and to be *for the government* were the same thing. Bismarck always despicably insulted men and parties who did not think as he. He refused permission to officers who wished to marry daughters of families said to be "progressive." In the presence of the venerable Rickert, deputy from Danzig, William I. could publicly ask the president of the province if he could not arrange to have the district of Danzig send to the Reichstag a "better" deputy! The citizens of Germany have, indeed, the right to vote. But let them take a fancy to vote for a candidate displeasing to the government and they will be treated as enemies of the country. Thus the government of Germany constantly tends to become once more a government of pure authority; whereas the spirit of modern constitutionalism is to institute governments of opinion.

Will this opposition be possible for long? It could last as long as there was someone in a position, as was Bismarck, to draw on the moral credit which is given by great foreign successes. And so long as Europe was in that state of instability into which Bismarck had thrown it, one could always argue that danger was threatening at the frontiers. More than once Bis-

marck conjured up an exterior peril, or the appearance of such peril, in order to be able to invoke it. His interior policy was this constant extortion practised upon German public opinion by the aid of exterior peril, from which he alone, because of his victories, had the reputation of being able to save Germany. Thus a constant moral constraint bent every will to his and, as a last resort, he had in reserve against universal suffrage the *coup d'état* for which was needed only a monarch willing to "wade in blood up to his ankles."

This compromise between absolutism, limited by a constitution which embarrassed it but little, and a terrorized democracy which did not try to develop its constitutional rights—here is the system which lasted in Germany for fifty years! The least one can say of it is that it did nothing for liberty.

Without doubt, the idea of the Empire had certain liberal origins; and during the ten years from 1870 to 1880, or thereabouts, the legislation of the German Empire again had a false tint of liberalism. The voting of the law of exception against the socialists in 1880 marks the end of this liberal era and establishes the definite impotence of the German parliament. The *bourgeoisie* that betrayed liberalism between 1866 and 1871, betrayed it a second time between 1880 and 1914. Big industry, just coming into being, had always looked for the basis of its power to a strong monarchy, which was to be found only in Prussia. Arrived now at the fullness of its strength, this great industry founded in its *cartels* and its trusts such formidable organizations that it no longer needed to consider its task as a fight against power, but rather as a fight to achieve the conquest of power. This mon-

archic state, so strong, so concentrated, conjured up by the German capitalist *bourgeoisie* because through this state it was to become great, was henceforth to be placed at the service of big capital. Now the modern economic struggle is no longer that simple competition which seeks to beat a rival in the universal market by furnishing a superior product at a better price. It consists, in the first place, in exporting capital, in investing it outside, within the new or backward countries, and in getting orders in their name. Whoever "finances" the construction of a railroad of penetration or of a port, will also furnish the rails and other material, the construction of the piers and the electric installations. He will furnish the personnel of direction and exploitation. This new fight for markets is accomplished in great part by military and naval pressure. It is a fight for "spheres of influence," preceding colonial conquest—to call it by its proper name. For this "imperialist" struggle, to which Germany has largely contributed its character of cunning and violence, the big industry, and the big commerce of Germany needed a military power that would be feared. They thought rightly that they had got the upper hand of the socialist opposition at home, either by force or by persuasion; by persuasion, rather, ever since the working-class has perceived that large salaries, short hours, and all the well-being so recently conquered presupposed the prosperity of German industry and hence the triumph of economic and colonial imperialism.

It remained to be seen if the lower *bourgeoisie* would persist longer than the upper in its fidelity to liberal ideas. It furnished, through its small merchants, its people with modest incomes, its small proprietors, its

artisans and peasants, the most solid contingent of the old Prussian Freisinn (progressive party) and of the Volkspartei of the southern states. And perhaps this lower *bourgeoisie* would not strike out of its program the democratic reforms which had constituted its ancient political creed. But if it did not strike them out, it ceased to fight for them. The small contractor defends himself less easily against the new demands of the working-class than does big capital. He resists by means of economies which pinch the equipment and the salaries. The average "philistine," who in the preceding generation was still the ally of the working-class, today hates social democracy because it brings discontent into all the workshops. Where shall he find an ally against this new and mortal enemy, Socialism, if not in the enemy of yesterday, Power? Thus even the most liberal of employers, who are the small and the average, seek the support of a strong monarchy; and if they do not love it, at least, they are careful not to pass as its enemies. Who then, after this desertion by the greater and lesser *bourgeoisie*, will carry on the fight for the defense of constitutional rights?

Here, therefore, are the remote effects of that "German constitutionalism" instituted by Bismarck:

I. No one holds any longer to the constitutional guaranties. The impotent parliament is abandoned by the most eminent spirits. The Parliament of Frankfort, in 1848, was proud because it numbered all those whom Germany considered its intellectual guides. The Prussian Parliament at the time of the conflict counted its historians and savants, like Duncker or Twesten, Virchow or Sybel. The assemblies after 1870 listened to a Treitschke or an Adolf Wagner, besides those great liberals, Lasker and



Eugen Richter. Today the intellectuals are more concerned with directing the great factories than with defending, in a discredited parliament, rights in which they no longer believe. And it is the junkers who, as in that important matter of the canal from the Elbe to the Rhine, make use of parliamentary obstruction in the interests of their class.

2. It is evident that a "strong monarchy" always favors the party which forms the *entourage* of the monarch. Logically, therefore, in England, after a change of ministry the personnel of the king's household is also changed. The English fear the influence of permanent cliques which might create disagreements between the king and his transient ministers. Why is there not all the more reason to fear that the political opinions of men surrounding the monarch will be decisive and formidable in a state where the monarch selects his ministers without having to account to parliament for the reasons of his choice? This is the case in Germany, and in Prussia even more than in the Empire. There is not one instance of the Kaiser having chosen his ministers elsewhere than from his personal *entourage*. How shall we otherwise explain why it is that for twenty years, and in an era when the democratic extension of suffrage has often reappeared in the foreground of the public interest, the Prussian Minister of the Interior has always been a junker? How does it happen that the other ministers, when they are of *bourgeois* stock, have always been chosen from the anti-democratic *bourgeoisie*?

3. Thus the government, entirely personal because of the prerogatives of the monarch, becomes more so because of the method which the monarch employs. He can never consent to strengthen parliament be-



cause the system of a *strong monarchy* is incompatible with a *parliament that decides*. Or at least, a mechanism in which a strong monarchy is to be united with a strong parliament, would constitute a complication such that Bismarck himself dared not institute it. This is why either the monarchy must give way or parliamentarism must die. But a monarchy which accepted the decisions of a parliamentary majority would no longer be the Prussian monarchy that we know; should a parliamentary system take the place of the traditional system, the old Prussia would be dead.

Whence came this parliamentary system? It did not arise out of the constitutional quarrels which for fifty years have set Prussia at variance with the Empire. These antagonisms, wholly formal, have little interest for the rest of Europe. The political suffrage is universal, direct, and secret in the Empire. It is restricted, indirect, and public in Prussia. A voter, politically of age in so far as he is a citizen of the Empire, sees his political maturity denied in so far as he is a Prussian citizen. Nothing of all this concerns us. It is for the Prussian electors to discuss why they are considered stupider as Prussians than as Germans. One could invent a multitude of schemes for the realization of homogeneity between the electoral rights of the Empire and those of Prussia; a return could be made to the liberal project of von Kardorff who, in 1869, proposed that the Prussian chamber be composed of the same deputies whom the Prussian vote had elected as its representatives in the Imperial Parliament. An analogous system might be suggested for all the German states. There is nothing contradictory in supposing that the Imperial Parliament is only

the sum of the separate state parliaments, united for the deliberation of the affairs of the imperial collectivity.

All these reforms would remain formal and vain as long as it is true that every draft of an imperial law, even before it is submitted to the *Bundesrat*, where Prussia presides and is always in possession of the majority, must as a necessary preliminary be submitted to the Prussian minister who makes a decision without parliamentary consultation. Sometimes it is difficult to reconcile the votes of united Germany with the votes of Prussia. Sometimes the former is more liberal than the latter. A virtuoso of parliamentary tactics like Prince von Bülow could sport with this difficulty. His government, liberal in Germany, turned conservative in Prussia. He always had the power, because he was accountable to no one. An equilibrist of great elegance, von Bülow distributed to left and to right the smiles which brought him unanimous applause up to the day on which a draft of a law of inheritance, unimportant in itself, produced a coalition of the Catholic Center and the junkers. He was then shown—something of which he should not have been ignorant—where the real power lay; it lay in the conservative parties.

Has it changed camp since the war? The people who have given so much, in toil and in blood, what rights have they in compensation for their sufferings? And what did the "Easter message," issued by the Kaiser, promise them? One thing is certain, one thing authorizes hope: democracy alone is the power of the future!

The industrial technique itself, by means of which Germany has built up her powerful economic empire

and her capitalist class so fearfully invasive, has spread education. The mind refuses to admit that the diffusion of knowledge does not result in the diffusion of the critical spirit as well. This work will be long in Germany because the German people is ever slow to change its ideas; because intellectual culture, for which it has such scrupulous respect, nevertheless remains specialized and broken into parts; and because the Germans are not accustomed to control their leaders as long as they are being benefitted by the collective prosperity, of which, rightly or wrongly, they ascribe the origin and attainments to the prestige and solidity of the established system.

It is, therefore, not certain that German opinion will make an effort to induce Prussia to be dissolved into the more liberal Germany. It will put off making this effort, through indifference or complicity, because the strongest cement of the Empire has been this very industrial *bourgeoisie*, great and ambitious, which has spent all its energy in building up the "strong authority" indispensable to its projects of expansion. Therefore, it is for us, the Allied Powers, to assist in the dissolving of Prussia in the Empire, by means of the war.

## II. THE GERMAN BUREAUCRATIC STATE

A second important point, allied with the Prussian predominance in Germany, is the prodigious strengthening of bureaucratic and military officialdom. If there is a profound pride in Germany, it is that of the body of officials and the body of officers. Which of the two is the more overbearing, the haughtier, the surer of its superiority, it would be difficult to say. A German officer is convinced that there is only one staff—

the German staff. A German official is convinced that there is only one corps of officials which understands how to carry on its business and is disciplined and honest—the German corps. The corps of officials and the corps of officers have succeeded in imposing this conviction on the mass of non-Prussian Germans. That is why it follows them so blindly, after having abased itself before them with such cowardly acquiescence. It has followed them into triumphs of which it has shared the intoxication and the profits. As it is to our detriment that they have accepted these intoxicating benefits, and as it is the lack of control by the German people of their officials that permitted the latter to loosen the universal catastrophe upon the world, we must inquire what these guaranties are, of which the public life of Germany is stripped through the fault of its bureaucracy.

And here we cannot afford to be too disdainful. We are a bureaucratic people and we have been even more so. German bureaucracy is made in the image of the old French bureaucracy. From the Emperor Maximilian, who copied the bureaucratic hierarchy of Philip of Bourgoyne, continuing with Frederick William I., King of Prussia, who copied the bureaucracy of Louis XIV., down to Stein, who borrowed the Napoleonic framework, everything in the Prussian administration is of French origin. But the French have known how to break up the power of their body of officials. They hollowed it out from within. The Prussians consolidated theirs, by their discipline, by their methods of recruitment, and by the enormous authority which they conceded. The infatuated smile of a Prussian official or of a Prussian officer when he speaks of foreign officeholders or military men, means:



it is in vain that you exert yourselves; we are the only ones that count, for we are obeyed, whereas, in your country, you are the ones that obey!

This form of spirit is that of the old absolutism, the police-state (*Polizeistaat*) of the *ancien régime*. It was never a power without curb. It was well understood that under the old *régime* the administration realized the public welfare. At least, it tried to or pretended to. But it realized it without regard for any of the personal rights or for the consent of the citizens. It also goes without saying that this police-state has undergone transformation since the eighteenth century. It has become the *Rechtsstaat* even before becoming the *Verfassungsstaat*. This means that the state has submitted its civil and military administration, not only to the ideal ends of public good, beyond the understanding of its citizens, but to a *positive law*, defined by a code known to all. The administration which is nowhere controlled by the parliaments, is, nevertheless, controlled by administrative tribunals established by itself. The arbitrary power of the officials, civil or military, receives at this point a considerable limitation. Nevertheless, it is not abolished. All that remains outside of the limits fixed today by laws not merely old, but also inspired by an old spirit, remains abandoned wholly to their good pleasure. This part of their arbitrary power, when we consider the police and the army, is prodigious. Though the principle of *legality* in administrative action is directive and pedantically insisted upon, still it offers innumerable holes in its application; or rather, the *kind of legality* that regulates the administration is out of date. Of two methods, the one now preferred is the legal realization of the principle, leaving no place for



arbitrary power. The idea that there are intangible rights of man and citizen is not unknown in Germany. It came there from France; but it remains as a stranger. Formerly there were conventions (that of Frankfort in 1848 and the national Prussian Convention of the same year) which voted the *Grundrechte*. In the constitutions of almost all the German states the *Grundrechte* are inscribed. But this has never become the profound idea from which the governments have received their inspiration. There is no right of man or of citizen to which German law and practice does not make strange exceptions.

1. *Exception to the equality of rights.* Equality before the law, which, according to modern thought is a profound right of man and of citizen, intends that public offices shall be equally accessible to all. This, indeed, is inscribed in the constitutional law of Prussia and of almost all the states. Nevertheless, if the electoral right is bound up with restrictive conditions of census, of landed property, of education; if numbers of municipal or state elective officers are not open to all citizens, is there not here an evident infraction of the principle of equality of rights, an infraction all the better calculated to disturb the public spirit in that it is imputable to the law itself?

And how many infractions have there not been, clandestine, cunning, complying with a literal but superficial observance of the law? No German really believes that all the citizens should be able to apply for all the offices of the state. The proletarian, humble folk, the liberals, the Jews, know that they would try in vain to climb to the higher rounds of officialdom. Doubtless in all countries the body of officials has a tendency to be closed, to constitute a caste, to be

recruited only by nepotism. In Germany this miserable *esprit de corps* is reinforced by social prejudice and all the political power of the state. It is useless to hope for coöperation and advancement in upper officialdom, if one has not in youth been admitted to certain of those distinguished student-clubs with the multi-colored caps, which form the *élite*, if not intellectually at least socially, of the German universities. These clubs accept only the students who are rich or who are sons of families with a *von*; a spirit of conservatism and of Prussian megalomania is maintained which is agreeable to the authorities. To all the force of friendships clinched by drinking-bouts and common studies, there is thus added the force of the bond of caste and of social prejudices kept up throughout a lifetime. Behold why the members of these student-clubs offer such strong pledges of loyalty! As long as there are more candidates for the state-offices than there are vacant posts, why should not the military and civil administrations be masters of their choice? They choose out of that narrow freemasonry of the old *Korpsstudenten*, among whom relationships are begun in youth and complete the bond of distinguished cousinship. Not a high office in the diplomatic service or in the magistracy or in the upper administration, which does not belong in advance to these *labadens* of the "corps;" and their taste for full-dress ceremonials, their mania for pompous discourses and sumptuous horseback parading, their habit of building costly mansions to harbor their gatherings—all this solemn snobbism so surprising in very young people, is only the affirmation, insolently published before the population, of ambitions in reserve for the future. But the state, by its public encouragement and by a favor-

itism which is the tradition of all its administrations, maintains and encourages these schools of conservative and narrow fanaticism. It follows that a democratic policy would have for its first object to discredit them, to dry up their recruitment by suppressing the exorbitant privileges which are attached to candidatures of this origin in all the professions.

2. *Exceptions to the right of assembly and association.* The liberty of assembly and association is a right of man and of citizen. It is a right codified in Germany by the laws of which the latest date is 1908. It should never be limited except by the simple practical guaranties required by public order. Nevertheless, there is evidence that the German government does not recognize this simple notion of modern rights. Shreds of it are obtained by main force, only to fall back again into the paternalism of the *ancien régime*. The German authorities, especially in Prussia, never cease thinking vaguely that there is something illicit in the mere facts of associating and meeting. Not only is the administration occupied with watching everything that is plotted between people who are not of the administration and who, therefore, have not the right to mix in politics, but it also believes that it has the right to know and control the particular attitude of each citizen. How otherwise would it come about that young people of from eighteen to twenty should be expressly excluded from every right of assembly and association? Note that it is demanded of these young men that they die for their country. The destiny of their country is put back within their hands on the field of battle. . . . But they are refused the right of discussing this destiny in meetings. As though this interdiction did not have for immediate effect the encouragement

of a clandestine propaganda, just as agitating but of necessity more acrimonious and less controllable than public propaganda!

There is another curious feature which testifies to the persistence of this ancient patrimonial law. The right of assembly and association is guaranteed to the major citizens by law. But it is not guaranteed except in relation to the state. It is no longer guaranteed if it interferes with obligations which the German citizen contracts by virtue of other engagements. A German official may, indeed, possess theoretically the right of assembly and association: but his hierarchic chiefs may prevent his being present at any meeting or being made a member of any association which they consider prejudicial to discipline or monarchic loyalism. A salaried German employee also possesses theoretically the right of assembly and association. But his employer can by contract forbid him to make use of it. This right of the employer is not even disputable at law. It is confirmed by a faithful jurisprudence. The workingman or officeholder must prove that, without the right of meeting or of combining to the use of which he lays claim, he would suffer serious injury, authorizing him to break his working contract or to ignore the interdiction of his chief. A long lawsuit, civil or administrative, which few people face because the decision which will terminate it, is only too certain. Thus the exercise even of the rights guaranteed by the state can be hindered by a private abusive right of a third person. But as this right of the third person favors the traditional discipline, the state never dreams of introducing any restriction.

3. Much is said about German decentralization. It is certain that German particularism prevents the



uniform administration of the whole Empire. In Prussia, to make it worse, the cities have communal liberties. Germany has often gloried in this. One would think that this communal law would be a safeguard of German liberties. But state officialdom crushes everything. The president of the province and the *Landrat* of Prussia must watch over the communes. These men imagine it to be their duty to prevent the state from breaking up into independent cities, just as though we were still in the time of the Renaissance. They are inspired by that false belief that the city gets its authority from the state. They cannot rid themselves of the idea that the communes are taking an unfair advantage when they try to live an independent existence. They take all sorts of meddling, oppressive, and vexatious measures, which discourage civic spirit and the interest which the citizens might bring to the administration of the communes. "It is an unhappy consequence of bureaucratism that, in the domain of self-government, the surveillance of the state becomes in many cases an administration by the state which has encroached even upon the details of the internal workings." The historian, Walter Lotz, well known to German officialdom, thus expressed himself many years ago. A former president of a province, von Arnstedt, more recently added: "If the surveillance by the state is not needlessly to hinder communal life, if it is not to be more harmful than helpful . . . I believe, after long experience, that I can assert that there is urgent need of restraining it." Nevertheless, Prussian absolutism begins the faults of the French monarchy all over again. It shatters the corporate liberties which alone, by a delegation come from beneath, can found

the authority of the state in so far as the state is not a mere assemblage of citizens but an organized collectivity.

4. The state has thus for skeleton a body of officials, rigorously selected, which appreciates neither the rights of citizens nor communal liberties. This body of officials<sup>4</sup> culminates in turn in a caste which is the model of all right-minded Germans of high rank—the military caste. This caste gives its tone to society. The officers, tightly corseted, padded, powdered, flattered, establish the standard of elegance and fine manners. This is not the place to say by how many economic advantages and exterior honors the social preëminence of this caste is assured. It will be sufficient to recall that it enjoys exorbitant privileges as regards the law. It has often been pointed out how far these men are out of the reach of justice. One of the chiefs of the Center, Erzberger, created a stir by denouncing in the Reichstag an advancement given to a captain charged with 1,500 acts of serious brutality. Everybody remembers that German officer who was struck by the escort of a lady whom he had just insulted. He killed the civilian like a dog and the courts acquitted the assassin because he was an officer.<sup>4</sup> Above society, above all the conventions and all the laws, there is thus a social *élite* which obeys none but its own conceptions of honor and which recognizes none but its own laws. Not only is this caste not generally responsible to the civil jurisdiction, not only is it generally unpunished for offenses which in civil life would bring penalties and serious disqualifications, but it constantly influences the application of the law

<sup>4</sup> This was excellently set forth in Joseph Barthelemy, *Les institutions politiques de L'Allemagne contemporaine*, 1915, pp. 220-231.

by the magistracy as well. There are no suits between civilians and the military in which the commandants of army corps do not permit themselves—even though the civilians are condemned—indiscreet interventions in the courts and complaints either about the quality of the punishment or the wording of the judgment. So that the least that we can say is that the abusive interventions of the military authorities in the carrying out of justice, which in any other country would incur punishment, ought to be resented by the magistrates and publicly branded. But there is no example of such an act of independence in the civil magistracy of Germany.

In a state where all the powers are absorbed by the executive, it is the normal thing for the military power not to give way to the judiciary power. The German nation is the creation of the army just as the army itself, as Bismarck said, is the creation of the Prussian monarchy. The government must, therefore, be military; and when there is a conflict between two sorts of rights, two sorts of ideas of honor, two sorts of interests, the interests, ideas, and rights of the military prevail over every other necessity. "There are not two kinds of ethics for an officer, that of conscience and that of the will of the Kaiser," said General von Einem, Minister of War. The will of the Kaiser takes the place of conscience; and his will is that the *esprit de corps* of his officers should never endure humiliation. "In the army", said William II., "there is only one will and that is my will." This gives to the whole military caste the feeling that it participates in the sovereign prerogatives. The German people accepts this state of things for it considers the army, conducted according to these principles by a corps of officers also pro-

foundly imbued with the idea of social invulnerability, as a school where decision, discipline, and a talent for organization are learned. These qualities applied to business have made Germany the predominant nation of Europe.\* Between the success which Germany owes to these qualities and the sacrifices which assured her success, the people have not hesitated, even when it came to sacrificing their liberties.

When we place Germany in opposition to the allied nations, it appears that the irreducible antagonism between her and ourselves is not merely and not pre-eminently a difference between a democratic parliamentary constitution and a monarchic semi-absolutist constitution. The antagonism is more precisely defined as an antithesis between the *democratic state* and the *bureaucratic state*. Germany is a state in which the public services are directive and are not directed. France and England are states in which the public services receive their impulsion from the opinion and interests of the nation which they serve.

German bureaucracy and militarism are closed organizations, conducted from above. The officials and military men constitute a "lay-clergy of governors,"<sup>5</sup> solidly united against those whom they govern. Because of this nomination and superintendence from above, these officials and officers are lastingly dependent on the government. Parliament has no power of control over their nominations or superintendence, and the government averts with care every tentative toward control. In France and England this parliamentary control exists; and although it is true that it tends to interfere excessively in the nominations, it

\* See the eminent Swiss jurist, Otto Fleiner, in *Festgabe für Otto Mayer*. 1916.



is none the less, when restrained within just limits, a guaranty given to the public against the predominance of officials. So the French and English officers and officials remain open to democratic sentiment. They feel themselves to be the servants of a powerful collectivity of which they try to understand and obey the voice. In Germany the official has his roots only in the corporation which opens advancement to him to the very top, and in the social caste from which his class is recruited. He takes on the qualities and ideas of the corporation. No one disputes the unity of will, the professional conscience, and the ability of the German official and military caste. The dangers of the German system are excessive specialization, narrowness of spirit, a prodigious snobbery, and methods of authority unnecessarily vexatious and meddlesome, impersonal and indifferent to the preferences of those to whom they are administered.

The higher French officialdom has not got rid of a bad mechanism. It willingly lets some of its regulations sleep. We laugh a little at its routine, made up of customs dear to the public, which no one likes to disturb. In other respects the superiors of the French administration like to appear benevolent, a bit sceptical, fluent and brilliant. . . They do not bother any one. They are slightly patronizing. They love to give the impression that they are superior to their office, and this pose, into which some vanity enters, springs none the less from their regard for the intelligence of the persons under their administration, whose tastes they are considering.

Thus, in France and in England, public opinion is mistress of the state; and the rights of the individual are, at least in theory, the source of the social authority

charged with their defense. In Germany, the rights of the individual are not recognized even in theory. It is all positive right (*droit positif*). The task to which the official applies himself is a task prescribed by the government. It must be carried out with detail and precision. The civil and military bureaucracy does not feel constrained to inform any one of its acts. Its work is strictly secret. When its decisions are made known, it is too late! They are carried out without any notice having been given. It would not be parliamentary control that could cause their withdrawal—it would be public detriment alone. And public detriment, we know well, is never the detriment of the directing classes.

What remedy is there for all this? I will explain by means of a fable. We have in France an upper and middle administration conspicuous for its intelligence. It is perhaps the lower officials who work less well and in the more begrudging manner. This is because they have the minds of leaders who weary of the too highly specialized and monotonous duties of the lower grades. Superintended rather nonchalantly by their superiors, who let the reins hang loose, they are only tolerably zealous in their work. Suppose we imagine an exchange. If we were to take the highest German officials, the presidents of providences, the commandants of army corps, the *Landräte*, and confide to them the receiverships in our bureaus and the places in our lower administration, they would do good work. Scrupulous to a degree, they would annoy our officials of the lower grades a good deal. On the other hand, place our post-office collectors, under station masters, and policelieutenants in the German states as presidents, and in the prefectures and high military commands!

Their spirit of generalization would be satisfied. Their taste for a position of authority, demanding intelligence, but somewhat aloof, would be flattered. Both nations would gain by this exchange. Look at all this as at a symbol. For I am speaking of a transformation of spirit, or at least of a change brought to bear on the formation of the social structures of both nations.

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But what interest should we have in such a mutation? Is it not a matter of indifference to us, after all, that Germany has an oppressive bureaucracy, socially out of date? No, it is not a matter of indifference when the whole social body of Germany is modeled, directed, and inspired by this bureaucracy and this militarism! Now, the contempt which the German officials and officers have for the German citizens and their collectivities, they also have for foreigners and the other nations. Further, the reasons for which the German governments hinder liberty within are reasons of exterior politics. "No one has ever seen a world-power (*Weltmacht*) with a liberal government," said Bismarck. It was, therefore, in order to become a *Weltmacht* that Germany smothered her liberty at home. All the nations are greatly interested in knowing whether or not a change has taken place in the internal constitution of Germany, because such a change will be the indication of a modified external policy.

The ministerial circular of von Trott zu Solz (1917) demanded, as particularly urgent, a reform of German political culture in the domain of foreign politics (*am dringlichsten, die aussenpolitische Bildung*). Immediately the German universities began to give instruc-

tion in foreign affairs. Kiel is specializing in the study of the transpacific and transatlantic countries. Königsberg has chosen to study the Slavic countries. Bonn will occupy itself with France and Belgium. It is doubtful whether a preparation inspired by the ministerial junker, von Trott zu Solz, will turn this instruction which is to be given to the youth of Germany in the direction of liberalism.<sup>6</sup>

It is commonly believed that the Germans are more in touch with foreign affairs than other peoples. This is a profound error. With regard to the problems of foreign politics, the idea of the people is to trust to the government and to its fist. The Germans who were established in foreign countries invoked this fist at the least difficulty which their arrogance, their dishonesty, or their greed, caused them. Those at home could not conceive of relations with other countries except as an uninterrupted series of very vigorous pressures brought to the support of subtle extortionate manœuverings. All this was done in the secrecy of the ministries. It is impossible to imagine the amount of hatred that Germany has accumulated against herself in every country by this constant and vicious meddling. But the parliament controlled nothing of this, did not wish to control it; and if the people were not satisfied, it was only because of the insufficient energy of this governmental strategy. Once or twice a year, Herr Bassermann, leader of lib-

<sup>6</sup> These words were delivered before the fall of Herr von Trott zu Solz, who resigned because he would not accept the prospect of universal suffrage in Prussia. They are equally true of his successor, Herr Schmidt, who, though he was director of the beaux-arts, would never consent to take a journey to Paris. He is the son of the former director of public worship, Herr Schmidt, who once took such brutal iniquitorial measures against the pastor Goehre, converted to socialism, necessitating the resignation of the latter.



eral and imperialist nationalism, would put to the Reichstag a question expressed in dignified terms, arranged with the chancellor. The government would respond with commonplaces. This rite accomplished, the ordinary train of affairs would continue. The social-democrats were particularly poverty-stricken when it came to specialists in foreign politics. Before their deaths, the elder Liebknecht, then Bebel, and in our days Gradnauer, sometimes risked a question. They were put off. In short, the government arranged matters so that no profane touch should trouble the occult geometry of its foreign politics.

The inconvenience was the more serious because no social caste was ever less capable of foreign politics than the junkers of Prussia. It is saying little to call them infatuated; they did not even know enough to discern their own interests. Even in 1870 they fought the German Empire and German unity under the pretext that it was a "Jewish affair." Bismarck was enough of an economist to know that private interests, and those of the junkers as well, would gain by the transaction. But even he did not understand anything of the power of liberal ideas; he was never able to comprehend why the England of Gladstone had been able to found the most powerful colonial empire that had ever existed. The most profound error of the German diplomats of 1914—Prussian junkers, all of them—lay in underestimating the liberal powers of Belgium, France, England, and Italy,<sup>7</sup> because none of these had the state of mind nor possessed the equipment which a war of aggression necessitates.

The German state being essentially a bureaucratic and military state, its diplomacy is one of the highest

<sup>7</sup> Today we must add the United States.

selections of its bureaucracy, directed by the military spirit. More than any other body of diplomats, the German diplomats form a corporation moulded and recruited by exclusive considerations of fortune, appearance, and the imperial good pleasure. More than any other bureaucracy, the German diplomatic service acts in secret. If the methods of European diplomacy have been against all reform, all control by public opinion, it is because the secrecy of negotiations has never been insisted upon with as much strictness as by Wilhelmstrasse since 1870. The Moroccan negotiations of 1911—do we not still remember them? And how that secret procedure imposed for so long a period was a systematic method of shaking our nerves and of forcing us to capitulate at last through impatience. When the intrigue to bring on war between Mexico and the United States, contrived in Germany in 1915–1916, was brought to light, did not the only disapprobation manifested by the German leaders consist in being outraged over the premature divulga-tion of a secret which thus injured Germany?

This secret procedure, joined with the constant brutal pressure brought to bear on all the partners of the diplomatic game—this is what gives Germany her appearance of a nocturnal prowler, lying in ambush in likely places so as to demand their money or their life! We know what discussion means when Germany is on her feet behind some bad customer, backing him up “with all her strength.” The most mysterious bureau of all the Prussian military officialdom, the general staff, is in intimate contact, through the military cabinet of the Kaiser, with the chancellor’s office. It prepared the sudden attack on all the fronts. It had the prodigious conviction, according to the words of

General von Schlieffen, "of alone holding the secret of victory." It designated the victims. It had but one thought: to exploit to the full every favorable occasion; to fall on the adversary the moment he was feeble or going through a crisis; to consider it evident that this hour of feebleness when, logically, Germany should have felt herself less menaced, was accorded by Providence for Germany to strike. For less advantages during certain periods of waiting, this diplomacy bristling with bayonets contented itself with extortion and threats. But the season was foreseen in which the big harvests would be ripe. Then it must go farther; it must have war in order to gather in the harvest; a strictly "preventive" war. "Europe is too small to be divided," said William II. to one of our military attachés. We now know the meaning of these words. This Europe, so slow to become unified, William II. intended to organize by the processes of German militarism, diplomacy, and bureaucracy. When a little nation, Serbia, in a contest in which she had the law on her side, attempted a timid pacific protest, the catastrophe was deliberately let loose.

It was let loose with a premeditation the more evident in that the nations of the world had begun to follow other methods than the German. The conflict between Germany and the world began in 1899 at the first Hague Conference. There the spirit—I may say the retrograde unintelligence—of German bureaucracy was seen close at hand. It was a simple matter for states that disapproved of the conference not to send delegates. Germany did better; she sent a delegate who afterwards scouted the conference of which he had been an associate. In the little book within which he summed up the work of the first meetings of

a delegation charged with the building up of the future Society of Nations,<sup>8</sup> he speaks of the "Utopia of perpetual peace," and shows how little Germany is disposed to regard war as a scourge, because it is to the war of 1870 that she owes her "unexpected economic flight," (*einen ungeahnten wirtschaftlichen Aufschwung*). He talks of the importance of war "from the point of view of universal history and civilization," and it is easy to see that war, which has procured for Germany and for her military civilization the place she holds in the world, should not be considered a phenomenon to be condemned. In conclusion he declares himself hostile to every attempt to pave the way for the Society of Nations by means of arbitration. To show the blindness of this German negotiator, it is only necessary to recall that almost immediately sixty-four arbitration treaties were concluded between nations all over the world, based on the agreements made at The Hague; that is to say, reserving all questions which touch the vital interests, honor, and independence of nations.

The second Hague Conference (1907) wanted arbitration between the represented nations—heretofore left to their good pleasure—to be rendered obligatory, still reserving such questions as related to the independence, honor, and vital interests. The German group—Austria, the Balkan States (Serbia alone excepted)—voted unanimously against this obligation. In vain the Baron de Marshall was refuted in all the judicial arguments he produced during the sittings. Italy, still in the Triple Alliance, who during these negotiations had signed two obligatory treaties with

<sup>8</sup> von Stengel, *Weltstaat und Friedensproblem*. 1899. Preface, p. vii, viii, xi.



Argentina and Mexico, abstained from voting in order not to vote against her allies. Russia would have signed immediately if the conference had been unanimous. Germany having prevented unanimity, Russia could not sign. The conference ended in total confusion because of the unshakable refusal of the German negotiators. "Prodigious German diplomatic success!" cried the German papers for several weeks. Those who were able to talk with the witnesses of this second Hague Conference, know, however, that the indignation against Germany's brutal intransigence was general. But such is German intellectual obtuseness concerning everything which touches international problems that, in the most humble sketch of international peace, the most legitimate tentative on the part of the little nations to procure certain guaranties of law for their independence, Germany would see nothing but anti-German intrigue which she must break up by all means.

Nevertheless, it can truthfully be said that the powers of the whole world, working together in this conference for four months at a task which stranded, were still able to get from their collaboration a very high idea of the common good of humanity. This idea was held in check by Germany and her vassals. But it was consolidated by the very discernment of the difficulties. The boundaries against which the effort to organize the world were breaking were more clearly seen. A great variety of universal Unions have existed for a long time: the Latin monetary Union, the postal Union, the Red Cross, etc., etc. Is it forbidden that we should hope some day to federate the administrations? The international technical conferences—for the establishment of a chart of the globe,

for the unification of measures, etc., etc.—of which the number is increasing, could they not be unified and rendered permanent? And how would such a permanent discussion of questions unceasingly multiplying and enlarging differ from a world-parliament?

It is easy to see the hidden motive of Germany before the war. A world-parliament would be sooner or later (at least, so she believed) a Federation of States of the whole world. In this federated world-state, how long would Germany preserve her hegemony? For here there would no longer be any question of methods of occult diplomacy supported by threats of force; everything would have to be discussed openly and legally. It was easy for her to mask the fear of seeing her oppressive power lessened behind this specious objection: that a nation sure of itself and of its destiny could not let itself be tied down in a world-parliament by a majority of jealous and less gifted nations. German arrogance found itself again in this doctrine which treated all the other nations as inferiors just as the Prussian junkers treat as inferiors all the less conspicuous classes of the nation. German diplomacy refused every step toward world-parliamentarism, as it had refused parliamentarism to the German people.

It is true that in the administrative, judicial, and political organization of the Internation, precautions must be taken just as in the political, judicial, and administrative organization of the nation. There are immaterial interests in the life of men which it is useless to try to "organize." The deep beliefs in the life of the family, in the religious life and the conscience evade organization. They leap up desperately at any attempt to do them violence. In such matters we

have not to organize but to respect. We have had religious peace ever since the state ceased to place its means of constraint at the service of the warring religious bodies. Perhaps we shall have peace between nations on the day when all the powers perceive that patriotism is one of those things which in the humblest citizen of the weakest nation must be respected and not "organized."

The very idea of the sovereignty of a people, the principle of nationality, in so far as it rests on the clear consciousness and the meditated will of the people, is in itself a protestation against the idea of a universal secular monarchy and a universal spiritual sovereignty. It erects itself simultaneously against the Holy Empire and against the Papacy. There is evidence, therefore, that this right of peoples to dispose of themselves, claimed by them in opposition to the most formidable powers of the *ancien régime*, is preëminently a matter of conscience. The future world will not be able to conceive of itself except as a free collaboration of peoples. This collaboration would, therefore, never violate one of the most profound sentiments of the conscience—national sentiment. It could only be concerned for national interests. And so, our hope, based on the Society of Nations, is that conflicting national interests may always be regulated amicably and never again give rise to wars.

Is German opinion ready for such a transformation? Certain enlightened Germans are incontestably ready. It is too early to name them. They will recognize themselves in the outline which I have drawn here. It is for the German people to give progressively to these men the influence to which they have the right

and which would facilitate the understanding between Germany and the most clairvoyant part of liberal humanity. But it is German feeling, profound and unanimous, which is in question. If that is not ready, the Society of Nations cannot accept Germany and her vassals tomorrow. It will be sufficient to read one of the most powerful journals of the majority socialists, the *Hamburger Echo*, in order to see how they make game (November 19, 1916) of the motions of the *Ligue des Droits de l'Homme* (League of the Rights of Man) and of French socialism which, through various articles of Pierre Renaudel, approved these motions. The German socialist paper goes so far as to deny "all sane appreciation and all real willingness to make peace" on the part of the *Ligue des Droits de l'Homme* and the French socialists. Victor Adler, the well-known Austrian socialist, declared at the imperial conference of the Austrian social-democrats on November 4, 1916: "A reorganization of Europe, where all could live as equals among equals, could have been had by the powers of the Entente with less cost." But he forgets that his entire party, ever since before Copenhagen, bears along with all the other political parties of his country, a share of responsibility for the oppression of the little nations of the Austro-Hungarian monarchy, and that he did nothing of any use to keep Serbia from being assaulted by the most insolent of ultimatums and the most illegitimate war of aggression. Victor Adler has only the right to be silent, since he did not recognize the right of all the nationalities oppressed by Austria-Hungary—and primarily of Serbia—to live as equals beside the Germans and the Hungarians.

The good German or Austrian citizen who does his duty conscientiously every day and goes every evening



to the beer-room to keep up his confidence in the public authorities by loyalist conversation, will never be shaken from his apathy as long as he is led by such popular leaders and such journalists. It is true that Bethmann-Hollweg himself said on November 8, 1916: "A cry will go around the world, calling for pacific agreements. Germany will be ready to enter a league of nations. She will even be ready to place herself *at the head of such a League of Nations* to hold the trouble-makers in check." Why, then, did she send delegates to the Hague who officially defeated and afterwards scouted that which was but the everyday effort of Europe and the world for durable peace?

But indeed a cry has gone up, a cry announcing that the Society of Nations is within sight. And this cry will reach even Germany. And there it will become a vehement protest against the conduct of the German leaders. The German thinkers have little courage, they are blinded still by many sophisms. Already, however, they are denouncing the desperate situation into which the conduct of the leaders has driven their people. An eminent jurist, in a book on the future Germany, can exclaim: "The German nation will never understand why its strong and brilliant Empire, in spite of the prodigious power which it has just shown in this war and which it shows in the economic and military fields and also in the field of civilization, has not been able to establish a system of alliances of a nature to prevent universal catastrophe. It will never understand why, predestined, in concert with the oldest civilized peoples, to found a new and greater Europe, we should have entered into conflict with those same peoples and should now be forced to turn anew toward the Orient. Alas for us if Germany last-

ingly turns her face only to the Orient, ceasing to look westward." <sup>9</sup> What Germany needs, says Stier-Somlo, "is a foreign policy rooted in the conscience of all the citizens and approved by them." But this conscience of all the Germans is at present gorged with the most aggressive presumption. The Germans are accomplices of their governmental foreign policy precisely in so far as they refuse to control it. Their passivity gave it a blank check. They are tranquil because they think they are going to win. Today they are still lacking in the elementary courage that consists in establishing responsibility, because they believe cynically that their victory will pass its bloody sponge over their responsibility. The legal method attempted at The Hague was not as yet a redressing of ancient wrongs. It was only a first frail pledge, a first manifestation of a willingness not to start such iniquities over again in the future. In refusing to try this method, which would not repair the abuses of the Prussian policies of 1866 or of 1870 but which could prevent their recurrence, they at once revealed their profound intention and broke with western and American ideas.

### III. THE CORRUPTION OF GERMAN SCIENCE

All the faults of nations, like those of men, can be set right on condition that their innermost opinions are not corrupted. German public opinion has not been kept in its integrity. I want no better proof of this today than the weakness of German legal science. It has raised imposing monuments of historic erudition, but it has forgotten that there is something besides merely finding out whence came the existing law. The

<sup>9</sup> Stier-Somlo, *Grund- und Zukunftsfragen deutscher Politik*. 1917, p. 295.

important vocation of the science of law is not only to establish the theory of positive rights, but the theory of justice. Quite upside down, the German savants infer that which should be from that which is. There are still to be found in high places those who resemble that Justus Moeser who defended slavery against J. J. Rousseau.

Through the fault of some jurists, Bismarck did not find materials prepared for the building of the German Empire. All Germany tended with profound aspiration toward unity. But when unity was possible, no one knew how to give it a body. This alone marks a failure of German science. The work of the Parliament of Frankfort prepared the Empire out of an indefinite number of confused ideas. No one knew how to give them a legal form. Is it surprising that in creating the constitution of the Empire, Bismarck could only copy the constitution of Prussia, with the addition of a little universal suffrage to modernize it?

For the German jurists are also true Germans of the emasculated *bourgeoisie* of the fourteenth century. They believe that politics are carried on from "higher up"; they live in a kneeling posture. Specialized in the interpretation of laws already made, they imagine that the purpose of this study is to justify this law. They forget the laws that must be made, the meditation *de lege ferenda*. They have never come upon the words of Ibsen: "Science must be the ally of the ideas of the future; then let it have all its veils wide to the wind that comes from the open." They are the sad Epigoni of a Prussian past which they prolong and glorify instead of wishing to see reborn.

I do not know of one fundamental legal idea that they have not corrupted, beginning with the idea of

the state, the idea of authority, and that of the relations between nations.

1. In the grave conflict which, ever since the world was the world, has set right and force against each other, German legal science takes the side of force. To be sure it does not glorify brute force. But for it a right (law, *droit*) is an instrument of intelligent force. "Right," said one of the most illustrious modern German jurists, Rudolf von Jhering, "arises from the *power of the strongest*," to which is opposed another force "*which arises from the coalition of equals*." <sup>10</sup> Here we have, in a way, the primitive monarchy, the Strong, and the primitive republic, the Weak, in coalition. They are opposed to each other. Jhering grants that they cannot destroy each other. Force feels the necessity of limitation. This limitation, which it accepts through prudence, constitutes right (*droit*). Beyond this is the region in which perhaps Force would no longer be the strongest. *Right* is, therefore, Force directed (*dirigée, direct*), following the rules of intelligence. But who does not see that though it is disciplined force, it still remains basically force? There is no distinguishing the two, unless by abstraction. In this conception it would be false to say that right directs. At least it does not direct as the compass directs the helmsman. Force alone, says Jhering, is seated at the rudder, to decide and to act. Right is only a collection of experimental rules which must be followed in order to employ Force judiciously. *Right is the politics of force* and can only realize itself through Force. This being the case, so long as the

<sup>10</sup> Jhering, *Zweck im Recht*, II, 250. A substantial and lucid summing up of German doctrines will be found in Michel Aguilera, *L'idée du droit en Allemagne depuis Kant jusqu'à nos jours*. 1892. It would be well to add the history of the last quarter of a century.



weak are not in league, or so long as their coalition is not a counterpoise for the tyranny of the strong, there would be no right (*droit*); nor could there be any Right, if Force were sufficiently astute to discover methods of action which would make unnecessary its own limitation. There we have the implied postulate to which German legal science leads in proportion as it deals with more complex objects.

2. What, then, is the function of the state? According to occidental thought it consists in maintaining and developing the rights of citizens (or the law, *droit*). For the Germans, this vital function is reduced to "the handling of the social force of constraint" (*die Handhabung der sozialen Zwangsgewalt*). The state is only the highest organization of this force. Every other force must bend before it. Long before Treitschke, Jhering wrote: "There is only one mortal sin from which the state cannot be absolved: the sin of weakness."

A serious conclusion when there are small states necessarily weaker than the big ones, and when, very evidently, the big states whose function it is to grow strong and for whom, according to this doctrine, it would be a crime not to grow stronger, could augment their strength by appropriating the little ones. To this doctrine we can only oppose another: that the state is a moral entity. No German jurist would admit this and even the most liberal refuse to grant the great ideal principle: *In the beginning was the law* (right, *droit*). According to Otto Mayer, one of the most highly considered authorities of public contemporary law: "The origin and the enduring basis of the state is force." The state, according to him, has always been an accomplished fact, to which were added,

adventitiously, custom and law. A supreme *power* established on a given *territory* for the people who occupy that territory—this is what constitutes a state. What object is proposed by the men who establish this power on their territory? It is of no importance. History will tell and will be the judge of their plans. In itself “the state is an enormous bulky *fact*, dissimilar from the *law*, which is superadded and which never entirely penetrates it.”<sup>11</sup> By this description we can already recognize the state that does not consider itself bound by any treaty when it thinks that its power is in question.

3. When we speak to men or to nations, demanding their obedience, we must define the authority in whose name we make our demand. Divers religious bodies and German romanticism as well have imagined mystical or sentimental justifications for this authority, of which in reality none has found expression in German law. The truth is that German public law maintains the doctrines of absolutism of the *ancien régime* just as the Roman law introduced by the Renaissance and the abstract natural law of the eighteenth century founded it. There are in Europe no doctrines that have created a worse princely omnipotence. In this form of organization the relation of the prince to the official has always been the mechanical relation of the motor to the thing moved. The law was never anything but the transmission-band. There was never any regulating fly-wheel nor any counterpoise, such as parliament has been in England and even in France. Since the Renaissance there has never been a commune that could resist the arbitrary

<sup>11</sup> Otto Mayer, *Die juristische Person und ihre Verwendbarkeit im öffentlichen Recht*. (Festgabe für Laband, t. 1.)

power of princes. It was necessary in the nineteenth century to reconstruct the communes from top to bottom and to protect them against the arbitrary power of the presidents of provinces.<sup>12</sup> The old absolutism always defied organized bodies: *Hetariæ statui monarchiæ perquam inimicæ*, said the old adage of the legists of the *ancien régime*; and among these corporations there were none that appeared more dangerous than the cities. It is from this tradition that both the doctrine of the German jurists and the German administrative practice are built up. "The power of the will of the state, the force of the state, this is what makes the law of the state," said Gerber;<sup>13</sup> and public law, according to German jurists, is thus "the theory of the power of the state." This power is personified in the monarch, and all that is under the control of the authority of the state can be willed and executed by the sovereign.

Under this head, the accord between a pure imperialist, such as Laband, and the theorists reputed as liberal, like Jellinek, is perfect. The state alone, they say, has sovereignty over men. It has, according to Laband, "the right to command free persons with compulsion. This is its specific privilege which it shares with no other entity."<sup>14</sup> Jellinek says, "The power of legal restraint, as an emanation of sovereign power, belongs only to the state."<sup>15</sup> As for us, we are

<sup>12</sup> Doubtless beneath the dust of the old absolute law a Gierke could have rediscovered the trace of the corporative German law. For a long time he has been the only one. The historic development of the authority of the state in Prussia and in Germany is of other origin.

<sup>13</sup> Gerber, *Grundzüge des deutschen Staatsrechts*, p. 3.

<sup>14</sup> Laband, *Deutsches Staatsrecht*, I. 67 *et passim*.

<sup>15</sup> Jellinek, *Allgemeine Staatslehre*, 3rd ed., 1914, I, p. 176.

accustomed to think that there are other bodies also possessed of the right of constraint—communities, for example; and that the state is only a greater corporation, invested with more extensive powers. The common source of these powers of the community and the state is, in all occidental law, the mandate of the citizens. In German law, on the contrary, communal authority is a delegation of the state and the state is a primary fact, uncontrollable and undisputed. The whole legal science of the Germans canonizes an intangible power of the state, eternal and sacred, incarnate in the sovereign, who possesses it as a divine right. It is true that these theorists say prudently, with Laband, that this is “a power judicially recognized;” and that subjects owe obedience only “through the channels of the law” (*von Rechtswegen*). But is it not the sovereign who, according to the German jurists, determines the law? Then in what way is this sovereign authority, above which there is none other and which holds its warrant only from the sovereign’s will and good pleasure, bound by a law and a norm which render it legitimate? In the German doctrine it is impossible to determine one right of communities and associations, or one right of man and citizen.

4. This is why the idea of the relations between nations is corrupted in its turn. “Every viable state,” says von Jhering, “has the instinct to spread out geographically. It has this instinct in proportion to the living vigor with which the social idea has taken root.”<sup>16</sup> The big collectivity devours the smaller. When all the little nations have been devoured, there will be a struggle to the death among the big ones until they are melted into a more monstrous agglomeration. A

<sup>16</sup> R. von Jhering, *Zweck im Recht*, II, p. 303.



hard law, but, says Jhering, it is the law of history; history does not tolerate the small. We can pity the generations which are chosen to suffer the fate of being crushed. History takes care that the pain and misery of the sacrificed generations is compensated for by the happiness of the generations that follow.<sup>17</sup> "The instinct which pushes states to expansion and conquest is the protest of society against the restrictions which the social conquest has imposed upon it." A prodigious deduction, if we reflect upon it. The peoples consent to a harsh social discipline and thereby become conquering peoples. The fruitful future outside will unbridle the passions restrained within and pay for their servitude.

We can understand why such a science, which accepts an international organization to combat the plague and cholera, would never care to accept one against war. Believers and non-believers agree in repudiating such an organization. For the positivists of German science, war is normal and natural. For the believers in German religion, war is divine. The Christian Middle Ages clung to the evangelic words which announced "Peace on earth." It was reserved for German Christianity and German science to maintain that peace is not a true ideal of civilization because it contradicts the divine order in which war takes its place as a law of nature.<sup>18</sup>

I should have liked to find a corrective for these doctrines in the doctrines of contemporary German socialism. Is it my fault if I cannot find any? The great founders of the German socialist party, they, too,

<sup>17</sup> *Ibid.*, II, p. 309.

<sup>18</sup> von Lueder, *Handbuch des Völkerrechts*, IV. Holtzendorff (1888): "If war is divine, because it is a universal law, it is also in accord with the ideal of civilization itself; therefore it is salutary and good."

submitted to the fascination of the Bismarckian *régime*. They fought with borrowed arms. To speak the truth, they are spirits of the same structure as Bismarck. Lassalle asserted sardonically that "guns, too, are a piece of the constitution." For he defined the constitution as a simple equilibrium of present forces. In this manner, the law could belong to it only as a written formula by which this equilibrium is interpreted. Now, between force and law (or right, *droit*) the difference is not the fact of the notation which formulates it. Law and force are two realities, intranslatable the one into the other, irreducible, of which the relation must be discovered. And if German socialism were a doctrine of justice, Marx would not have been able to write cynically: "Bismarck is doing our work." For the work of Bismarck never consisted in establishing law.

As to the German socialism of recent years, its principal and proclaimed preoccupation has been not to resume against the state the polemics reputed as *bourgeois* of the old liberal parties. This state, said the socialists, is going toward imperialism; and, for the benefit of the higher *bourgeoisie*, it is going toward war. But the progressive unification of the trusts, the concentration of the means of production and exchange, in short, the vigorous centralization of the political and administrative powers, will facilitate the socialization of all the resources and all the forces. The proletarian conquest of the state will thus be hastened by the evolution of the present economic and political *régime*. Good apostles, who, on the day when the cataclysm of war that they did not know how to stop and perhaps did not want to stop was let loose, discover that in each country the working-class

is conjointly liable for the capitalism of the country and consequently for its imperialism; so that the working-class, even in a war of aggression, is urged by its leaders to fight at the side of those who are responsible for the crime. Certainly this is not a doctrine that can ever lay claim to justice!

*Bourgeois* or socialist, these doctrines commit the same sophism: they define law by that which is its limitation, by the forces which encumber it, by the old social forces, today somewhat attenuated in their brutality, but unchanged in their nature. For indeed, it is impossible ever to make right (law, *droit*) issue from might; for right is of another order.

The birth of law and justice in human relations is one of the most profound acts elaborated in the consciences of men and nations. Law, like morality, is born of that profound sentiment within, which propounds the identity of self and of others. "Insane, who believes that I am not thou!" cried Victor Hugo. And so there is but one source of law and authority, and that is the affirmation of an equal liberty by all those who feel themselves thus allied and identical. Collectivities alone have authority over the individual, because they are destined to create enlarged liberties and greater equality; if some day they may do this fraternally, they are peremptory today, because elementary rights must be assured. But, for this belief, which is the democratic belief and which will one day be the belief of all men, no authority is delegated from above, nor belongs to any superior caste or any sovereign. The divine law resides only in the human conscience of all and of each. Social authority is a delegation of individual consciences. We band together with those who resemble us and whom we

recognize as our equals in liberty and in law, by a consent which is first emotional, afterwards rational. The authority of the state is not different in its nature from that of any other collectivity to which we belong.

Every one of these communities has its ideal or feeling aspect as well as its legal aspect. Our families and our towns are dear to our hearts. And they have also always had, for purposes of litigation, their armature of positive law. The country that we love in its legal aspect is called the state, to which, for purposes of litigation, we have delegated our powers of constraint over ourselves and over our fellow-citizens. It is contrary to our consciences and to our consciousness of our rights, for us to imagine a state in which the authority does not convey the mandate of our liberty. We cannot, therefore, obey a state which oppresses our consciences and our families, because that would no longer be a country. In the same way, if we ask for nothing better than some day to submit our lawsuits to a Society of Nations, it is on the condition that this Society, descended from the sphere of the ideal into the sphere of reality, should first recognize the entire equality of rights and the complete liberty of all countries.

Concerning law, authority, the state, and the relations between states, we thus uphold rational affirmations which are opposed to the German doctrine of the nineteenth century. Compulsion does not make right, it comes only to sanction it. It is a guaranty against the aggressions of barbarism and egotism. In the civil and penal order, measures of coercion are only a legitimate defense, a reaction of distress. That is why they always come too late. They would re-establish the mutilated right if they could, or at least



they fortify the respect for the right. They can neither preserve this right, in so far as it has not been injured, nor establish it in itself. Let us ponder this example of private law, in order better to understand public international law.

In every nation the relations between individuals are regulated by contracts, by pacts (*pacta*, from *paciscor*), which are dominated by a system recognized by all, a universal and durable agreement, which is social peace (*pax*, also from *paciscor*). In the same way, relations exist between nations, which are already protected by rules recognized in free treaties. These relations already contain the promise of an international generalized agreement. Some day these various pacts will bring about between the nations a great universal and durable pact which is peace. This peace alone is the right, the law; and in this sense, humanity has a right to a total, universal and eternal peace.

This right cannot be created by force. Force can only come to its aid. It cannot even create the rights which are at the bottom of the free transactions between nations. But these rights must be defended! This reaction of distress is defensive warfare. It also always comes too late! And it is not itself party to the right because a right is of another order than force. Nevertheless, in the absence of a repressive organization which would put its force at the service of the Society of Nations, a defensive war is the sole method which keeps the law from disappearing from among men. In any case, a war of aggression, that is to say, a war of conquest, or even a preventive war, is above all an inextinguishable violation of the law (right, *droit*); first, because it denies the very object of the law;

second, because it misconceives the help that law can receive from force. These two kinds of war ought to disappear forever from the political methods permitted between civilized peoples.

#### IV. NECESSITIES AND HOPES

If such is our belief on the subject of law, the state, authority, and our relations with other countries, what do we think about the kind of peace that we can make with Germany? The German people has its right to peace like all other peoples. What is admirable in the war that we are waging is that it cannot leave room for hatred, being a war for right.<sup>19</sup> But, understand me well, the German people must first let the law be restored, the law which, through the fault of their governors and through their own complicity, has suffered the most brutal and the most extensive violation known to history. Against this eruption of force the defensive reaction which went out to check it was prompt and is still growing in strength. To it falls the duty of repairing other outrages committed previously by the same German people and since unpunished. The German nation with which we shall have to treat will not be territorially the same that spread its successive tides of rapine over the map of Europe.

<sup>19</sup> I have since found the same thought more eloquently expressed in a speech delivered by Mr. Nicholas Murray Butler, President of Columbia University, at the Commercial Club of Cincinnati, on the 21st of April, 1917: "Never chant a hymn of hate against those who, for the time being, are worshipping a false god. A hymn of hate is just as displeasing in English as it is in German. We are concerned here in a conflict too solemn and too frightful to leave place for hatred; for if the issue is such as we wish it to be, we shall lift yet another nation up to the sublime plane of our own principles—a nation that is today powerfully armed against us." *Looking Forward*, 1917.

These people must understand that the politics of conquest carried on by their leaders for a hundred years—and more—and taught by every manner of educational, scientific, and religious propaganda, is composed of a series of evil affairs, just as it is a series of unlucky strokes. The peace that we shall make must not be a patched up peace. The present difficulty is not so much how to conclude a sort of half peace, which for a long time to come would sanction the old injustices and which would always be an encouragement to begin the same criminal enterprises all over again; the difficulty is to make a peace which will prevent Europe from being German in 1950.

And this is why the crafty beginnings of this enterprise, so long unrecognized, must be destroyed. The peace must be, in the first place, a peace of restitutions: Alsace and Lorraine returned to France, with the frontiers of 1789—that is understood; Schleswig returned to Denmark, and perhaps a neutral guaranty established between Denmark and Germany so that the Danes will not again easily be the object of a sudden attack—that is understood; Poland restored in its entirety and given access to the sea—that is understood; and all the irredentist countries, Italian, Rumanian, Czecho-Slovak, and Slovene—and Hellenic—for which since 1915 no statute of liberty could be established—these should be unconditionally set free. We can only mention cursorily these matters upon which the allies are in accord. We can permit ourselves to believe that we have the strength to obtain these restitutions and along with them material reparation for the injuries that have accompanied the German aggression and occupation since 1914. The manner of action which will bring about this repara-

tion is the business of the responsible statesmen and military chiefs.

For us, it is important to know what must be changed within Germany, so that her people will no longer be in a mood to let themselves be led by the chiefs who started the war. If the *bourgeoisie* and the bureaucracy and the science of Germany are corrupted by the Prussian system, first of all this system must be broken up. The *bourgeoisie* that has been humbled or seduced must be reinstated and the German mind, so forgetful of its occidental tradition, must be regenerated.

The keystone of the Prussian system imposed on Germany is the Prussian monarchy. Then, first of all, this monarchy must be abolished. In 1848, Frederick William IV. could not be dethroned. A clique of junkers led by "Prince Shellfire" (afterwards known as William I.) and by certain occult chiefs, of one of whom, Bismarck, the king himself said that he had an "odor of blood," again seized the power. Germany owes it to us to take up her interrupted revolution of 1848 and to put it through.

And here we shall run against scruples among the Allies. We shall hear it said that this is to accept once more the principle of the Holy Alliance; and that it is an interference, doomed to failure, into the internal affairs of another people; and that it would stir up a revolt of this people as it stirred up a revolt in France after 1815. This scruple is a scruple of peace and not a scruple of war. The Germans do not feel in the least embarrassed about intervening at this moment in the internal affairs of six French *départements*, of several Russian provinces, of all of Belgium, all Serbia, all Rumanian Valachia. They would in-



tervene permanently in the internal affairs of any of these countries that they were able to keep. We do not plan to do anything of this sort. But democracies must not be deprived of a means of action which monarchies know how to use.

Every new system that takes over the power in any nation demands, first of all, to be recognized by other governments. This recognition is not in the least a formality. It is a serious act of international law. A government which is not recognized by the civilized nations is virtually in a state of war with them until it succeeds in inspiring their confidence. There have been cases where the refusal of confidence has gone so far as a summons to abdicate. The governments of Europe refused for a long time to recognize our first Republic, then Louis Philippe, the Second Republic and Napoleon III. They formally required the abdication of Napoleon I., without which, to speak the truth, Europe could not re-establish order. It is not forbidden to liberal nations in coalition to demand of Germany, or to impose on her, certain pledges of peace, just as the reactionary coalition of 1815 demanded them of France—suspected as she was of a revolutionary spirit even under Napoleon! For the Napoleonic liberalism was belligerent! This is why the peoples of Europe were within their rights in demanding the disappearance of the Napoleonic dynasty. The western coalition of today has even more reason to demand the disappearance of the Hohenzollern dynasty.

However, as Germany, in public law, is not a monarchy but a corporation of associated monarchic states, over which Prussia merely exercises a presidency, the whole corporation of monarchs must be broken up.

They are, indeed, only a pack of hounds held in leash by the great chief huntsman. We must make it understood that there can no longer be a military, corporative monarchy in Europe, one in will, secret, terrible, possessing the industrial and military means of hurling across all its frontiers an army virtually concentrated in advance, mobilized in eight days and ready to trample under foot whoever dares oppose one of its wishes or the will of the multitudes in whom it knows how to fanaticize the greed. Europe and the world refuse henceforth to recognize this modernized form of absolutism. They will not treat with it.

This is not to say that the Allies will impose a constitution on Germany. The German people will themselves choose their form of government, to the exclusion of the one that has tyrannized over the world. They will have the amount of liberty of which they are worthy. For liberty cannot be imposed; each man and each nation must make his own. But the Allies will treat only with a free people; and it is intolerable for the world that this corporation of dynasties and the kind of government to which the present war is imputable should continue to exist. The Allies cannot lay down their arms until the day on which the German people shall have broken this form of government and dismissed these corporated monarchs.

If the German people, in a spirit of obstinate pride which would once more make them the accomplices of their government, should refuse to sacrifice their monarchs and their sham "constitution"—that is to say, the system of military bureaucracy which is perpetuating the *ancien régime* in the height of the twentieth century—we need not believe that there is no punishment for them. Such punishment would exist,

even though the Allies, through weariness or impoverishment, were to dream of stopping the bloodshed. War, according to Clausewitz, is "politics continued by other means." Inversely, politics may also have the right to continue the work of war against a preying nation, even into the time of peace. This would certainly be necessary if we did not achieve a total and profound peace, guaranteed by a recasting of the institutions of the German people and by a regeneration of their spirit.

We are not of those who extol this continuation of war in time of peace. We want first a complete victory and then total peace. But Germany must know that this continuation of war into peace is possible if she refuses to give the reparations and pledges which the law demands. There are economic methods of breaking the arrogance of the German agrarians. There are economic methods of breaking even the new prosperity of the German peasants. There is a way of checking forever the forward impulse of German industry and of curbing the great industrial capitalism, in coalition with the junkers and, at the same time, the German working-people who have demanded their share in the casting of the net attempted by big industry.

There are certain forms of the industrial and agricultural boycott, under which the German people, surrounded by a hostility equivalent to the worst kind of blockade, would no longer be able to continue the proud prosperity of its life before the war. The rich classes would be ruined; the people could no longer bring up their superfluity of children, formerly so easily absorbed by a flourishing industry; the peasants and laborers of the decimated population would

be reduced to emigration. But they would go, these German emigrants, to countries forewarned, countries that would no longer permit any organized espionage nor any sly infiltration into their affairs, nor any masquerade of false naturalization under the Delbrück law. Then perhaps, enlightened at last by the disapproval which would cause to weigh heavily on them the political system against which they had never known how to revolt and which they had tolerated in order to benefit by its military successes, they would again become the modest Germans of 1848. These also were emigrants. But this was the protestation of their liberalism; and in the countries that received them, they were in advance the friends of all the liberal causes.

This punishment accomplished—for which we do not clamor but which might become necessary—it will be time, perhaps, to attempt a peaceful federation of the nations. This will admit no Central Europe—Mittel-Europa—which promised to be only a prodigious fortress with dissembled posterns for sorties and with saps pushed far in advance of all its bastioned fronts. This will be an organization of law, understood in such a way that the defensive reaction, should the law be violated, would be both immediate and enormous, because it would sum up all the means of action of all the countries united to establish it. This, however, is another subject, the most difficult of all, upon which light will come only little by little, by means of legal discussion and experimental gropings, demanding the greatest effort that it has ever been possible to make in the organization of human societies.



To this organization of peace, what will the Germans bring? Thus far they have never brought anything but obstacles. They have not known how to organize anything but war and an invasive industry to prolong or exploit or prepare for war. Perhaps, however, some day, under the crushing pressure of the facts, they will bring something better. Their critical spirit, applied to so many subjects, will perhaps some day be applied to political subjects abandoned formerly to the mysterious decisions of the staff and the bureaucracy. Their humanitarianism of other days will reawaken. This regeneration is possible, but it can come only through their defeat.

They will then find it profitable to re-read such theoreticians as Nietzsche, in whom is to be found at the same time the last child of the Hellenizing classicism of Goethe and the most rigorous of lay-moralists, formed in the school of the Nazarene. As Plato wept to see the Greeks spill Hellenic blood in floods during the constant wars of extermination from city to city, so Nietzsche, more eloquently than any other of his generation, wept at the idea of seeing Europeans spilling European blood.<sup>20</sup> He could not endure in Germany "the spirit of littleness and servility which penetrates everything, down to the last little village, down to the least little village newspaper, and up to the most respected artists and savants."<sup>21</sup> He could not accustom himself to the German idea of force. "The Germans imagine that force is necessarily manifested by hardness and cruelty. They submit, therefore, willingly and with admiration. . . . They

<sup>20</sup> Nietzsche, *Menschliches, Allzumenschliches*, I, par. 442.

<sup>21</sup> Posthumous fragments of *Menschliches, Allzumenschliches* (Works XI, par. 539).

taste of terror with devotion. It is not easy for them to believe that there is force in gentleness and in silence." <sup>22</sup>

He observed of the Germans that the psychological basis of every soul is the will to be strong. But to this psychologist who seeks to apply the results of transformism to the moral world, "the will to be strong" is only the rude trunk out of which are developed the refined and ennobled instincts. This will does not exist in its primitive dimensions, he says, except in the avid slave, for whom the discipline of slavery is necessary, as is afterwards the slow rising up which transforms him. Real power, on the contrary, he says in *Morgenröte*, lies in gentle and courteous souls. The thoughts that direct the world come "on the feet of doves," declares Zarathustra. For the importance lies in the values; and throughout the system of Nietzsche it is the values which in the last analysis give direction to the use of the powers. This is the Germany, attached once more to the immaterial values of civilization, that we could receive into the Society of Nations.

CHARLES ANDLER

<sup>22</sup> *Ibid.*, par. 543.

# INTERNATIONAL CONCILIATION

## SPECIAL BULLETIN

### CRITICISMS OF THE DRAFT PLAN FOR THE LEAGUE OF NATIONS

- I. William Howard Taft: Addresses delivered at the Metropolitan Opera House, New York, March 4, 1919, and before the Economic Club of New York, March 11, 1919
- II. Charles E. Hughes: Address at the Union League Club, New York, March 26, 1919
- III. Elihu Root: Letter to the Chairman of the Republican National Committee, March 29, 1919



APRIL, 1919

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION  
SUB-STATION 84 (407 WEST 117TH STREET)  
NEW YORK CITY

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## I

THE PARIS COVENANT FOR  
A LEAGUE OF NATIONS

By WILLIAM HOWARD TAFT

Address delivered at the Metropolitan Opera House  
New York, March 4, 1919

We are here tonight in sight of a League of Peace, of what I have ever regarded as the "Promised Land." Such a war as the last is a hideous blot on our Christian civilization. The inconsistency is as foul as was slavery under the Declaration of Independence. If Christian nations cannot now be brought into a united effort to suppress a recurrence of such a contest it will be a shame to modern society.

During my administration I attempted to secure treaties of universal arbitration between this country and France and England, by which all issues depending for their settlement upon legal principles were to be submitted to an international court for final decision. These treaties were emasculated by the Senate, yielding to the spirit which proceeds, unconsciously doubtless, but truly, from the conviction that the only thing that will secure to a nation the justice it wishes to secure is force; that agreements between nations to settle controversies justly and peaceably should never be given any weight in national policy; that in dealing between civilized nations we must assume that each nation is conspiring to deprive us of our independence and our prosperity; that there is no impartial tribunal to which we can entrust the decision of

any question vitally affecting our interests or our honor, and that we can afford to make no agreement from which we may not immediately withdraw, and whose temporary operation to our detriment may not be expressly a ground for ending it. This is the doctrine of despair. It leads necessarily to the conclusion that our only recourse to avoid war is competitive armament, with its dreadful burdens and its constant temptation to the war it seeks to avoid.

The first important covenant with reference to peace and war in the Constitution of the League is that looking to a reduction of armament by all nations. The Executive Council, consisting of representatives of the United States, the British Empire, France, Italy, Japan, and of four other nations to be selected by the body of delegates, is to consider how much the armaments of the nations should be reduced, having regard to the safety of each of the nations and their obligations under the League. Having reached a conclusion as to the proportionate limits of each nation's armament, it submits its conclusion to each nation, which may or may not agree to the limit thus recommended; but when an agreement is reached it covenants to keep within that limit until, by application to the Executive Council, the limit may be raised. In other words, each nation agrees to its own limitation. Having so agreed it must keep within it.

The importance of providing for a reduction of armament every one recognizes. It is affirmed in the newly proposed Senate resolution. Can we not trust our Congress to fix a limitation safe for the country and to stick to it? If we can't, no country can. Yet all the rest are anxious to do this and they are far more exposed than we.

The character of this obligation is affected by the time during which the covenants of the League remain binding. There is no stipulation as to how long this is. In my judgment there should be a period of ten years or a permission for any member of the League to withdraw from the covenant by giving a reasonable notice of one or two years of its intention to do so.

The members of the League and the non-members are required, the former by their covenant, the latter by an enforced obligation, to submit all differences between them not capable of being settled by negotiation to arbitration before a tribunal composed as the parties may agree. They are required to covenant to abide the award. Should either party deem the question one not proper for arbitration then it is to be taken up by the Executive Council of the League. The Executive Council mediates between the parties and secures a voluntary settlement of the question if possible; if it fails, it makes a report. If the report is unanimous, the Executive Council is to recommend what shall be done to carry into effect its recommendation. If there is a dissenting vote, then the majority report is published, and the minority report, if desired, and no further action is taken. If either party or the Executive Council itself desires, the mediating function is to be discharged by the body of delegates in which every member of the League has one vote. There is no direction as to what shall be done with reference to the recommendation of proper measures to be taken, and the whole matter is then left for such further action as the members of the League agree upon. There is no covenant by the defeated party that it will comply with the unanimous report of the Executive Council or the Body of the League.

And right here I wish to take up the objection made to the League that under this machinery we might be compelled to receive immigrants contrary to our national desire from Japan or China. We could and would refuse to submit the issue to arbitration. It would then go to mediation. In my judgment the Council as a mediating body should not take jurisdiction to consider such a difference. Immigration by international law is a domestic question completely within the control of the government into which immigration is sought, unless the question of immigration is the subject of treaty stipulation between two countries. If, however, it be said that there is no limitation in the covenant of the differences to be mediated, clearly we would run no risk of receiving from the large body of delegates of all the members of the League a unanimous report recommending a settlement by which Japanese immigrants shall be admitted to our shores or Japanese applicants be admitted to our citizenship, contrary to our protest. But were it made, we are under no covenant to obey such recommendation. If it could be imagined that all of the other nations of the world would thus unite their military forces to compel us to receive Japanese immigrants under the covenant, why would they not do so without the covenant?

These articles compelling submission of differences either to arbitration or mediation are not complete machinery for settlement by peaceable means of all issues arising between nations. But they are a substantial step forward. They are an unambitious plan to settle as many questions as possible by arbitration or mediation. They illustrate the spirit of those who



drafted this covenant and their sensible desire not to attempt more till after actual experience.

The next covenant is that the nations shall not begin war until three months after the arbitration award or the recommendation of compromise, and not then if the defendant nation against whom the award or recommendation has been made shall comply with it. This is the great restraint of war imposed by the covenant upon members of the League and non-members. It is said that this would prevent our resistance to a border raid of Mexico or self-defense against any invasion. This is a most extreme construction. If a nation refuses submission at all, as it does when it begins an attack, the nation attacked is released instantaneously from its obligation to submit and is restored to the complete power of self-defense. Had this objection not been raised in the Senate one would not have deemed it necessary to answer so unwarranted a suggestion.

If the defendant nation does not comply with the award or unanimous report, then the plaintiff nation can begin war and carry out such complete remedy as the circumstances enable it to do. But if the defendant nation does comply with the award or unanimous report, then the plaintiff nation must be content with such compliance. It runs the risk of not getting all that it thought it ought to have or might have by war, but as it is asking affirmative relief it must be seeking some less vital interest than its political independence or territorial integrity, and the limitation is not one which can be dangerous to its sovereignty.

The third covenant, the penalizing covenant, is that if a nation begins war, in violation of its covenant, then *ipso facto* that is an act of war against every

member of the League, and the members of the League are required definitely and distinctly to levy a boycott on the covenant-breaking nation and to cut off from it all commercial, trade, financial, personal, and official relations between them and their citizens and it and its citizens. Indeed, the boycott is compound or secondary, in that it is directed against any non-members of the League continuing to deal with the outlaw nation. This is an obligation operative at once on each member of the League. With us the Executive Council would report the violation of the covenant to the President and that would be reported to Congress, and Congress would then, by reason of the covenant of the League, be under an honorable legal and moral obligation to levy an embargo and prevent all intercourse of every kind between this nation and the covenant-breaking nation.

The extent of this penalty and its heavy withering effect when the hostile action includes all members of the League, as well as all non-members, may be easily appreciated. The prospect of such an isolation would be likely to frighten any member of the League from a reckless violation of its covenant to begin war. It is inconceivable that any small nation, dependent as it must be on larger nations for its trade and sustenance, indeed for its food and raw material, would for a moment court such a destructive ostracism as this would be.

Other covenants of the penalizing article impose on the members of the League the duty of sharing the expense of a boycott with any nation upon which it has fallen with uneven weight and of supporting such a nation in its resistance to any special measures directed against it by the outlaw nation. But there

is no specific requirement as to the character of the support beyond the obligation of the boycott, the contribution of expenses and the obligation of each member of the League to permit the passage through its territory of forces of other members of the League coöperating with military forces against the outlaw nation.

If, however, the boycott does not prove sufficient, then the Executive Council is to recommend the number of the military and naval forces to be contributed by the members of the League to protect the covenants of the League in such a case. There is no specific covenant by which they agree to furnish any amount of force, or, indeed, any force at all, to a League army. The use of the word "recommend" in describing the function of the Executive Council shows that the question whether such forces shall be contributed and what shall be their amount must ultimately address itself to the members of the League for their decision and action. There is this radical and important difference, therefore, between the obligation to lay a boycott and the obligation to furnish military force, and doubtless this distinction was insisted upon and reached by a compromise. The term "recommendation" cannot be interpreted to impose any imperative obligation on those to whom the recommendation is directed.

By Article X, the high contracting parties undertake to respect and preserve against external aggression the political independence and the territorial integrity of every member of the League, and when these are attacked or threatened the Executive Council is to advise as to the proper means to fulfil this obligation. The same acts or series of acts which make Article X

applicable will be a breach of the covenant which creates an outlaw nation under Article XVI, so that all nations must begin a boycott against any nation thus breaking the territorial integrity or overthrowing the independence of a member of the League. Indeed, Article X will usually not be applicable until a war shall be fought to the point showing its specific purpose. Protection against it will usually be necessary in preventing, in a treaty of peace, the appropriation of territory or the interference with the sovereignty of the attacked and defeated nation. We have seen this in the construction of the Monroe Doctrine put upon it by Secretary Seward and President Roosevelt. The former, when Spain attacked Chili and Chili appealed to the United States to protect it, advised Spain that under the policy of the United States it would not interfere to prevent the punishment by war of an American nation by a non-American nation, provided it did not extend to a permanent deprivation of its territory or an overthrow of its sovereignty. President Roosevelt, in the Venezuelan matter, also announced that the Monroe Doctrine did not prevent nations from proceeding by force to collect their debts provided oppressive measures were not used which would deprive the nation of its independence or territorial integrity. This furnishes an analogy for the proper construction of Article X.

The fact that the Executive Council is to advise what means shall be taken to fulfil the obligation shows that they are to be such as each nation shall deem proper and fair under the circumstances, considering its remoteness from the country and the fact that the nearer presence of other nations should induce them to furnish the requisite military force. It thus seems



to me clear that the question, both under Article XVIII, and under Article X, as to whether the United States shall declare war and what forces it shall furnish, are remitted to the voluntary action of the Congress of the United States under the constitution, having regard for a fair division between all the nations of the burden to be borne under the League and the proper means to be adopted, whether by the enjoined and inevitable boycott alone, or by the advance of loans of money, or by the declaration of war and the use of military force. This is as it should be. It fixes the obligation of action in such a way that American nations will attend to America and European nations will attend to Europe and Asiatic nations to Asia, unless all deem the situation so threatening to the world and to their own interests that they should take a more active part. It seems to me that appropriate words might be added to the pact which should show distinctly this distribution of obligation. This will relieve those anxious in respect to the Monroe Doctrine to exclude from forcible intervention by European or Asiatic nations in issues between American nations until requested by the United States or an executive council of the American nations framed for the purpose.

Objection is made that Great Britain might have more delegates in the Executive Council than other countries. This is an error. The British Empire, which, of course, includes its dominions, is limited to one delegate in the Executive Council. Provision is made by which upon a vote of two-thirds of the body of delegates new members may be admitted who are independent states or are self-governing dominions or colonies. Under this Canada and Australia and

South Africa might be admitted as delegates. I presume, too, the Philippines might be admitted. But the function of the body of delegates is not one which makes its membership of great importance. When it acts as a mediating and compromising body its reports must be unanimous to have any effect. The addition of members, therefore, is not likely to create greater probability of unanimity. More than this, the large number of countries who will become members will minimize any important British influence from the addition of such dominions and colonies since they are really admitted because they have different interests from their mother country. The suggestion that Great Britain will have any greater power than other member nations in shaping the policy of the League in really critical matters, when analyzed, will be seen to have no foundation whatever.

A proposed resolution in the Senate recites that the Constitution of the League of Nations in the form now proposed should not be accepted by the United States, although the sense of the Senate is that the nations of the world should unite to promote peace and general disarmament. The resolution further recites that the negotiations on the part of the United States should immediately be directed to the utmost expedition of the urgent business of negotiating peace terms with Germany satisfactory to the United States and the nations with whom the United States is associated in the war against the German government, and that the proposal for a League of Nations to insure the permanent peace of the world should then be taken up for careful and serious consideration. It is said that this resolution will be supported by thirty-seven members of the new Senate, and thus defeat the confirma-

tion of any treaty which includes the present proposed covenant of Paris.

The President of the United States is the authority under the Federal Constitution which initiates the form of treaties and which at the outset determines what subject matter they shall include. Therefore, if it shall seem to the President of the United States and to those acting with him and with similar authority for other nations that a treaty of peace cannot be concluded except with a covenant providing for a League of Nations, in substance like that now proposed, as a condition precedent to the proper operation and effectiveness of the treaty itself, it will be the duty of the President and his fellow delegates to the conference to insert such a covenant in the treaty. If, accordingly, such a covenant shall be incorporated in a treaty of peace, signed by the representatives of the Powers and shall be brought back by the President and submitted by him to the Senate, the question which will address itself to the proponents of this Senate resolution will be not whether they would prefer to consider a League of Nations after the treaty of peace but whether they will feel justified in defeating or postponing a treaty because it contains a constitution of a League of Nations deemed by the President necessary to the kind of peace which all seek.

The covenant of Paris, which is now a covenant only between the nations at war with Germany, including the seven nations who actually won the war, is essential to an effective treaty of peace to accomplish the purposes of the war; for the purposes of the war were to defeat militarism, to make the world safe for democracy, and to secure permanent peace.

Under the informal agreement between the nations who won this war, outlined in the President's message of January 8, 1918, as qualified by the Entente Allies before the armistice, we are to create and recognize as independent states four nations forming a bulwark between Germany and Russia to prevent future intrigues by Germany to secure control of Russia. In the process we are to carve these new nations out of the great autocracies, Russia, Germany, and Austria. We are to give German and Austrian Poland to the republic of Poland, to set up the Czechoslovak state of ten million inhabitants between Germany and Austria-Hungary, as well as the Yugoslav state carved out of Austria and Hungary in the south. We are to fix new boundaries in the Balkans, with Rumania enlarged by Transylvania and Bessarabia, and to make an internationalized government at Constantinople, keeping ward over the passage between the Black Sea and the Aegean, and to establish autonomous dominions in Palestine, Syria, Armenia, and Mesopotamia. This plan for the peace and the reasons for it were set out with great force and vision by Senator Lodge in a speech last January. The chief purpose of the plan is to take away the possibility that Germany shall ever again conceive and carry toward accomplishment her dream of the control of Russia and of a Middle European and Asiatic Empire, reaching from Hamburg to the Persian Gulf.

The plan thus requires not only the establishment but the continued maintenance of seven new republics in Europe and several autonomies in Asia Minor. We are to create twenty nations instead of four; and we are to carve the new ones out of the old ones. The peoples of the new republics will not have had experi-



ence in self-government. They are the children of the League of Nations, as Cuba has been our child. The League must continue to be a guardian of their internal stability, if they are to serve their purpose. Their natural resentment for past oppression against the neighboring countries out of which they have been carved and the corresponding hatred of them by the defeated peoples of those countries will at once produce controversies innumerable over the interpretation of the treaty and its application. Even the new countries as between themselves, with their natural lack of self-restraint and their indefinite ideas of their powers, have already come into forced conflict.

Unless there be some means for authoritatively interpreting the treaty and applying it, and unless the power of the League be behind it to give effect to such interpretation and application, the treaty instead of producing peace will produce a state of continued war.

More than this, in the dark background is the threatening spectre of Bolshevism, hard, cruel, murderous, uncompromising, destructive of Christian civilization, militant in pressing its hideous doctrines upon other peoples and insidious in its propaganda among the lowest element in every country. Against the chaos and the explosive dangers of Bolshevism, throughout all the countries of Europe, a League of Nations must be established to settle controversies peaceably and to enforce the settlement.

If it be said that the European nations should unite in a league to maintain these independent states and settle the difficulties arising between them and the older states in the sphere of war, as well as to resist Bolshevism, it is sufficient to say that the withdrawal of the United States from the League of Nations will

weaken it immeasurably. The disinterestedness of the United States, its position as the greatest Power in the world in view of its people and their intelligence and adaptability, its enormous natural resources, and its potential military power, demonstrated on the fields of France and Belgium, make its membership in the League indispensable. The confidence of the world in its disinterestedness and in its pure democracy will enormously enhance the prestige and power of the League's earnest desire for peace with justice.

For the United States to withdraw would make a league of other nations nothing but a return to the system of alliances and the balance of power with a certain speedy recurrence of war, in which the United States would be as certainly involved as it was in this war. The new inventions for the destruction of men and peoples would finally result in world suicide, while in the interval there would be a story of progressive competition in armaments, with all their heavy burdens upon the peoples of the nations, already oppressed almost to the point of exhaustion. With such a prospect and to avoid such results the United States should not hesitate to take its place with the other responsible nations of the world and make the light concessions and assume the light burdens involved in membership in the League.

No critic of the League has offered a single constructive suggestion to meet the crisis that I have thus summarily touched upon. The resolution of the Senate does not suggest or refer in any way to machinery by which the function of the League of Nations in steadying Europe and the maintaining of the peace agreed upon in the peace treaty shall be secured. Well may the President, therefore, decline to comply

with the suggestions of the proposed resolution. Well may he say when he returns with the treaty, of which the covenant shall be a most important and indispensable part, "If you would postpone peace, if you would defeat it, you can refuse to ratify the treaty. Amend it by striking out the covenant and you will leave confusion worse confounded, with the objects of the war unattained and sacrificed and Europe and the world in dangerous chaos."

Objection is made that the covenant of the League is a departure from the traditional policy of the United States following the advice of Washington in avoiding entangling alliances with European nations. The European war into which we were drawn demonstrates that the policy is no longer possible for the United States. It has ceased to be a struggling nation. It has been made a close neighbor of Great Britain and France and Italy and of all the nations of Europe, and is in such intimate trade relations that in a general European war it never can be a neutral again. It tried to be in this war and failed. Whatever nation secures the control of the seas will make the United States its ally, no matter how formal and careful its neutrality, because it will be the sole customer of the United States in food, raw material, and war necessities. Modern war is carried on in the mines and the workshops and on the farm, as well as in the trenches. The former are indispensable to the work in the latter. Hence the United States will certainly be drawn in, and hence its interests are inevitably involved in the preservation of European peace. These conditions and circumstances are so different from those in Washington's day, and are so unlike anything which he could have anticipated, that no words of his having

relation to selfish offensive and defensive alliances such as he described in favor of one nation and against another should be given any application to the present international status.

Objection is made that the covenant destroys the Monroe Doctrine. The Monroe Doctrine was announced and adopted to keep European monarchies from overthrowing the independence of and fastening their system upon governments in this hemisphere. It has been asserted in various forms, some of them extreme, and others less so. I presume that no one now would attempt to sustain the declarations of Secretary Olney in his correspondence with Lord Salisbury. But all will probably agree that the sum and substance of the Monroe Doctrine is that we do not propose in our own interest to allow European nations or Asiatic nations to acquire, beyond what they now have, through war or purchase or intrigue, territory, political power, or strategical opportunity from the countries of this hemisphere. Article X of the constitution of the League is intended to secure this to all signatory nations, except that it does not forbid purchase of territory or power.

In some speeches in the Senate intimations have been made which enlarge the Monroe Doctrine beyond what can be justified. Those who would seek to enforce a doctrine which would make the western hemisphere our own preserve, in which we may impose our sovereign will on other countries in what we suppose to be their own interest, because, indeed, we have done that in the past, should not be sustained. Our conquests of western territory, of course, have worked greatly for the civilization of the world and for our own usefulness and the happiness of those who now



occupy that territory; but we have reached a state in the world's history when its progress should be now determined and secured under just and peaceful conditions, and progress through conquest by powerful nations should be prevented.

To suppose that the conditions in America and in Europe can be maintained absolutely separate, with the great trade relations between North America and Europe, is to look backward, not forward. It does not face existing conditions.

The European nations desire our entrance into this League, not that they may control America but to secure our aid in controlling Europe, and I venture to think that they would be relieved if the primary duty of keeping peace and policing this western hemisphere were relegated to us and our western colleagues. I object, however, to such a reservation as was contained in the Hague Conference against entangling alliances, because the recommendation was framed before this war and contained provisions as to the so-called policy against entangling alliances that are inconsistent with the present needs of this nation and of the rest of the world if a peaceful future is to be secured to both. I would favor, however, a recognition of the Monroe Doctrine as I have stated it above by specific words in the covenant, and with a further provision that the settlement of purely American questions should be remitted primarily to the American nations, with machinery like that of the present League, and that European nations should not intervene unless requested to do so by the American nations.

Objection is made to this League on constitutional grounds. This League is to be made by the treaty-

making power of the United States. What does the treaty-making power cover? The Supreme Court of the United States, through Mr. Justice Field, in the *Riggs* case, has held that it covers the right to deal by contract with all subject-matters which are usually dealt with by contract in treaties between nations, except it cannot be used to change our form of government or to part with territory of a State without its consent. The Supreme Court has, over and over again, through Mr. Chief Justice Marshall, indicated that the United States was a nation and a sovereign capable of dealing with other nations as such, and with all the powers inferable from such sovereignty. It is said, however, that the League will change the form of our government. But no function or discretion is taken from any branch of the government which it now performs or exercises. It is asserted that the covenant delegates to an outside tribunal, *viz.*, the Executive Council, the power vested by the constitution in Congress or the Senate. But the Executive Council has no power but to recommend to the nations of the League courses which those nations may accept or reject, save in the matter of increasing the limit of armament, to which the United States by its Congress, after full consideration, shall have consented. Neither the Executive Council nor the body of delegates in the machinery for the peaceful settling of differences does other than to recommend a compromise which the United States does not under the League covenant to obey. In all other respects these bodies are mere instruments for conference by representatives for devising plans which are submitted to the various governments of the League for their voluntary acceptance and adoption. No obligation of the United States

under the League is fixed by action of either the Executive Council or the body of delegates.

Then it is said we have no right to agree to levy an embargo and a boycott. It is true that Congress determines what our commercial relations shall be with other countries of the world. It is true that if a boycott is to be levied Congress must levy it in the form of an embargo, as that which was levied by Congress in Jefferson's administration, and the validity of which was sustained by the Supreme Court, with John Marshall at its head. It is true that Congress might repudiate the obligation entered into by the treaty-making power and refuse to levy such an embargo. But none of these facts would invalidate or render unconstitutional a treaty by which the obligation of the United States was assumed.

In other words, the essence of sovereign power is that while the sovereign may make a contract, it retains the power to repudiate it, if it chooses to dishonor its promises. That does not render null the original obligation or discredit its binding moral force. The nations of Europe are willing to accept, as we must be willing to accept from them, mutual promises, the one in consideration of the other, in confidence that neither will refuse to comply with such promises honorably entered into.

Finally, it is objected that we have no right to agree to arbitrate issues. It is said that we might by arbitration lose our territorial integrity or our political independence. This is a stretch of imagination by the distinguished Senator who made it, at which we marvel. In the face of Article X, which is an undertaking to respect the territorial integrity and political independence of every member of the League, how

could a board of arbitration possibly reach such a result? More than that, we do not have to arbitrate. If we do not care to arbitrate, we can throw the matter into mediation and conciliation, and we do not covenant to obey the recommendation of compromise by the conciliating body. We have been arbitrating questions for one hundred years.

We have stipulated in treaties to arbitrate classes of questions long before the questions arise. How would we arbitrate under this treaty? The form of the issue to be arbitrated would have to be formulated by our treaty-making power—the President and the Senate of the United States. The award would have to be performed by that branch of the government which executes awards, generally the Congress of the United States. If it involved payment of money, Congress would have to appropriate it. If it involved limitation of armament, Congress would have to limit it. If it involved any duty within the legislative power of Congress under the Constitution, Congress would have to perform it. If Congress sees fit to comply with the report of the compromise by the conciliating body, Congress will have to make such compliance.

The covenant takes away the sovereignty of the United States only as any contract curtails the freedom of action of an individual which he has voluntarily surrendered for the purpose of the contract and to obtain the benefit of it. The covenant creates no super-sovereignty. It merely creates contract obligations. It binds nations to stand together to secure compliance with those obligations. That is all. This is no different from a contract that we make with one nation. If we enter into an important contract with another nation to pay money or to do other things of



vital interest to that nation and we break it, then we expose ourselves to the just effort of that nation by force of arms to attempt to compel us to comply with our obligations. This covenant of all the nations is only a limited and loose union of the compelling powers of many nations to do the same thing. The assertion that we are giving up our sovereignty carries us logically and necessarily to the absurd result that we can not make a contract to do anything with another nation because it limits our freedom of action as a sovereign.

Sovereignty is freedom of action of nations. It is exactly analogous to the liberty of the individual regulated by law. The sovereignty that we should insist upon, and the only sovereignty we have a right to insist upon, is a sovereignty regulated by international law, international morality, and international justice, a sovereignty enjoying the sacred rights which sovereignties of other nations may enjoy, a sovereignty consistent with the enjoyment of the same sovereignty of other nations. It is a sovereignty limited by the law of nations and limited by the obligation of contracts fully and freely entered into in respect to matters which are usually the subjects of contracts between nations.

The President is now returning to Europe. As the representative of this nation in the conference he has joined in recommending in this proposed covenant a League of Nations for consideration and adoption by the conference. He has, meantime, returned home to discharge other executive duties, and it has given him an opportunity to note a discussion of the League in the Senate of the United States and elsewhere. Some speeches, notably that of Senator Lodge, have been

useful in taking up the League, article by article, criticizing its language, and expressing doubts either as to its meaning or as to its wisdom.

He will differ, as many others will differ, from Senator Lodge in respect to many of the criticisms, but he will find many useful suggestions in the constructive part of the speech which he will be able to present to his colleagues in the conference. They will be especially valuable in revising the form of the covenant and making reservations to which his colleagues in the conference may readily consent, where Senator Lodge or the other critics have misunderstood the purpose and meaning of the words used.

This covenant should be in the treaty of peace. It is indispensable in ending the war, if the war is to accomplish the declared purpose of this nation and the world in that war, and if it is to work the promised benefit to mankind. We know the President believes this and will insist upon it. Our profound sympathy in his purpose and our prayers for his success should go with him in his great mission.

Address delivered by WILLIAM H. TAFT before  
the Economic Club of New York  
March 11, 1919

My friend, Senator Knox, has presented a formidable indictment against the proposed covenant of the League of Nations. A number of his colleagues seem to have accepted his views as to its meaning. He says that it is unconstitutional in that it turns over to the Executive Council of the League the power to declare and make war for us, to fix our armament and to

involve us as a mandatory in all sorts of duties in the management of backward peoples. He says that it thus transfers the sovereignty of this nation to the governing body of the League, which he asserts the Executive Council to be.

When Senator Knox's attack upon the validity of the covenant is analyzed, it will be seen to rest on an assumption that the Executive Council is given executive powers, which is unwarranted by the text of the covenant. The whole function of the Executive Council is to be the medium through which the League members are to exchange views, the advisory board to consider all matters arising in the field of the League's possible action and to advise the members as to what they ought by joint action to do.

The Council makes few, if any, orders binding on the members of the League. After a member of the League has agreed not to exceed a limit of armament, the Executive Council must consent to raising the limit. Where the Executive Council acts as a mediating and inquiring body to settle differences not arbitrated, its unanimous recommendation of a settlement must satisfy the nation seeking relief, if the defendant nation complies with the recommendation.

These are the only cases in which the United States as a member of the League would be bound by action of the Executive Council. All other obligations of the United States under the League are to be found in the covenants of the League, and not in any action of the Executive Council. When this is understood clearly, the whole structure of Senator Knox's indictment falls.

The Executive Council is a most necessary and useful body for coördinating the activities of the League,

for initiating consideration by the members of the League of their proper joint and individual action, and for keeping all advised of the progress of events in the field of the League jurisdiction.

It is impossible in the time I have to follow through Senator Knox's argument in all the Articles of the League, but his treatment of Article XVI is a fair illustration of the reasons he advances for ascribing to the Executive Council super-sovereign power.

Article XVI is the penalizing section. Whenever a member of the League violates its covenant not to make war under Article XII, it is an act of war against the other members and they are to levy a boycott against the outlaw nation. There is in the covenant no covenant or agreement by them to make war. An act of war does not produce a state of war unless the nation acted against chooses to declare and wage war on account of it. The Executive Council is given the duty of *recommending* what forces should be furnished by members of the League to protect the covenants of the League. The members are required to allow military forces of members of the League, coöperating to protect the covenants, passage through their territory.

Of this article Senator Knox says:

"If any of the high contracting parties breaks its covenant under Article XII, then we must fly to arms to protect the covenants." Again he says of it: "Whether or not we participate, and the amount of our participation in belligerent operations is determined not by ourselves, but by the Executive Council in which we have seemingly, at most, but one voice out of nine. No matter what we think of the controversy, no matter how we view the wisdom of a war over the cause, we are bound to go to war when and in the



manner the Executive Council determines." Again, Senator Knox says the power of the Executive Council is that of "recommending what effective military or naval forces each member of the League shall contribute to protect the covenants of the League, not only against League members, but non-League members, *that is, as a practical matter, the power to declare war.*"

I submit in all fairness that there never was a more palpable *non sequitur* than this. I venture to think that were Senator Knox charged as Secretary of State with construing the obligation of the United States under this covenant, he would on behalf of the United States summarily reject such a construction.

By what manner of reasoning can the word "recommend" be converted into a word of direction or command? Yet upon this interpretation of the meaning of the words "recommend," "advise," and words of like import, as they occur in many articles, depends his whole argument as to the powers of the Executive Council under the covenant, and their super-sovereign character.

Senator Knox contends that the plan of the League will create two Leagues—one of the Allies and one of the outcast nations. The covenant provides for a protocol to invite in all nations responsible and fit for membership. Certainly Germany and the other enemy countries ought not now to be taken in, but they ought to be kept under control. The League wishes to prevent war in the world and realizes, of course, that excluded nations are quite as likely to make war as their own members.

The covenant, therefore, declares the concern of the League in threatened war between nations whether members or not and asserts its right to take steps to

prevent it. This declaration is made plainly as the justification for the Article XVII, by which a nation or nations not members of the League who threaten war are invited to become temporary members of the League in order to enable them to settle their disputes peaceably as permanent members covenant to do. These temporary members are visited with the same penalties for acts which would be by permanent members breaches of their covenants not to begin war. Thus the scope of the League's action is extended to all nations.

This is the explanation and the purport of Article XI and Article XVII. They involve the whole world in the covenants of the League not to make war. They operate to defeat the formation and warlike organization of a rival League of Nations not admitted as permanent members to this League. They unite the rest of the world against such nations in any case of war threatened by them.

There is no supreme court to construe this covenant and bind the members, and each nation in determining its own obligations and action under it must construe it for itself. Our duties under it are not to be declared and enforced against us by a hostile tribunal or by one actuated by different principles and spirit from our own. Its whole strength is to rest in an agreed interpretation by all. Its sanction must be in the good sense of the covenanting nations who know that, in order that it may hold together and serve its purpose, they must all be reasonable in their construction. What rules of interpretation should and must we therefore apply?

The President and Senate are to ratify this covenant, if it be ratified, by virtue of their constitutional power

to make treaties. This power, as the Supreme Court has held, enables them to bind the United States to a contract with another nation on any subject-matter usually the subject-matter of treaties between nations, subject to the limitation that the treaty may not change the form of government of the United States, and may not part with territory belonging to a state of the United States, without the consent of the State. The making of war, of embargoes, or armament, and of arbitration are frequent subject-matter of treaties.

The President and Senate may not, however, confer on anybody constituted by a League of Nations the power and function to do anything for the United States which is vested by the Federal Constitution in Congress, the treaty-making power or any other branch of the United States Government.

It, therefore, follows that whenever the treaty-making power binds the United States to do anything, it must be done by the branch of that Government vested by the Constitution with that function. A treaty may bind the United States to make or not make war in any specific contingency; it may bind the United States to levy a boycott, to limit its armament to a fixed amount; it may bind the United States to submit a difference or a class of differences to arbitration; but the only way in which the United States can perform the agreement is for Congress to fulfil the promise to declare and make war; for Congress to perform the obligation to levy a boycott; for Congress to fix or reduce armament in accord with the contract; and for the President and Senate, as the treaty-making power, to formulate the issues to be arbitrated and agree with the opposing nation on the character of the court.

When the treaty provides that the obligation arises upon a breach of a covenant, and does not make the question of the breach conclusively determinable by any body or tribunal, then it is for Congress itself to decide in good faith whether or not the breach of the covenant upon which the obligation arises, has in fact occurred, and finding that, it has to perform the obligation.

These plain limitations upon the Federal treaty-making power are known to nations of this Conference, and any treaty of the United States is to be construed in the light of them. Following these necessary rules of construction, the provisions of the covenant entirely and easily conform to the Constitution of the United States. They lose altogether that threatening and dangerous character and effect which Senator Knox and other critics would attach to them. They delegate to no body but to our own Federal constitutional agencies the duty of deciding in good faith what our obligations under the covenant are, when they become immediate, the appropriate means and method by which they are to be performed, and the performance of them.

By the first article the action of the high contracting parties under the covenant are to be "effected through the instrumentality of a meeting of a body of delegates representing the high contracting parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international secretariat."

This means only that when the high contracting parties wish to take joint action, it is to be taken through such meetings. This does not vest these bodies with power except as it is especially described in the succeeding articles. The unusual phrase



"effected through the instrumentality of meetings of" means what it says. It does not confer authority on the body of delegates or the Executive Council, but only designates the way in which the high contracting parties shall through their representatives express their joint agreement and take action.

On this head, Lord Robert Cecil, who had much to do with formulating the covenant, made an illuminating remark in his address following the report by the Committee of the Covenant to the Conference. He said:

"Secondly—We have laid down (and this is the very great principle of the delegates, except in very special cases, and for very special reasons which are set out in the covenant) that all action must be unanimously agreed to in accordance with the general rule that governs international relations. That this will to some extent, in appearance at any rate, militate against the rapidity of action of the organs of the League is undoubted. In my judgment, that defect is far more than compensated by the confidence that it will inspire that no nation, whether small or great, need fear oppression from the organs of the League."

This interpretation by one of the most distinguished draftsmen of the League shows that all its language, reasonably construed, delegates no power to these bodies to act for the League and its members without their unanimous concurrence unless the words used make such delegation clear.

Article VIII provides that the Executive Council shall determine, for the consideration and action of the several governments, what military equipment and armament is fair and reasonable in proportion to the scale of force laid down in the program of disarmament formulated by it, and these limits, when adopted,

shall not be exceeded without the permission of the Executive Council. This leaves wholly to the governments the acceptance or rejection of the proposed limitation.

Senator Knox says that as this recommendation will be made with the consent of our representative on the Council, we shall be in honor bound to accept the limit and bind ourselves. It is difficult to follow this reasoning. The body which is to accept the limitation is the Congress of the United States. Why should the Congress of the United States be bound by a representative selected by the President to represent the United States in this function, in respect to a matter of great importance under the control of Congress?

That the United States should recognize the wisdom of a reduction of armament under a world plan for it seems manifest. The history of competitive armaments, with its dreadful sequel, is too fresh in the minds of the peoples of the world for them not to recognize the wisdom of an agreed reduction. If we have an agreed reduction, then there must be some limit to which the governments agree to submit. If the nations of Europe are content to bind themselves to a limitation with so many dangerous neighbors, why should we hesitate to help this world movement? There is not the slightest probability that we will wish to exceed the limit proposed. Our national failing has been not to maintain enough armament. The argument of Mr. Knox involves the conclusion that the United States cannot enter into any agreement not to exceed a certain limit of armament. Since 1817, we have agreed by treaty with Great Britain not to have warships on the Great Lakes. The validity of that treaty has never been contested.

There are other treaties of the same tenor. It is true that in the treaty of 1817 either party is able to withdraw from the treaty after a year's notice, but the principle would be the same whether it was a year or ten years. I quite agree that a period should be fixed either for expiration of the obligation or a withdrawal therefrom by a reasonable notice; but that we should have such an agreement it seems to me goes without saying, and I don't know anybody better able to make a just recommendation for our consideration than the Executive Council.

Senator Knox conceives that there will be thrown upon the United States obligations in respect to the backward countries in Turkey and in Africa which formerly belonged to the Central Powers, because it would be obliged to govern as a mandatory under direction of the Executive Council, and that the Executive Council might require the sending of American troops to these distant lands to die in an unwholesome climate and to expose themselves to all sorts of dangers in remote countries. It is a sufficient answer to this to say that there is no obligation on the part of the United States to accept obligations as a mandatory. It does not covenant to do so, and it is not likely to do so. If it did, it would manage the country over which it was a mandatory with the fullest discretion. The high contracting parties would lay down rules in advance, or the Executive Council would grant a charter under which the mandatory would discharge its trust, but the United States, not being obliged to act as a mandatory, could decline to accept any charter to which it objected. A mandatory is required to make a report at the end of a year to show that it has conformed to the limitations of the trust, but

there is no power on the part of the Executive Council to direct the campaigns of a mandatory or to compel its armies to go into the dangers so eloquently pictured by Senator Knox.

Senator Knox objects to the provision that no treaties made by members of the League shall have effect until after they have been registered in the office of the League. He says this is contrary to the Constitution, because treaties are to take effect when ratified by the Senate and proclaimed by the President.

This objection is not very formidable. All this requires is that the United States shall provide in every one of its future treaties that it will not take effect until the treaty is registered in the secretariat of the League. Certainly an agreement on the part of the United States and the nation with whom it is making a treaty as to conditions upon which it shall take effect are not in violation of the constitutional requirements to which Senator Knox refers.

If, as it seems clear from a consideration of the language already examined, and of all the other language that refers to the Executive Council, there is no delegation of constitutional functions to that Council by the United States in entering the League, the whole argument of Senator Knox with reference to a transfer of the sovereignty falls. The United States merely makes agreements which it has the right to make under the treaty-making power, and these agreements are to be performed by its constitutional agencies. Those agencies are merely limited by the contracts of the government and retain their power and discretion to dishonor such contracts if they choose, although we would hope they would not.



As long as all the branches of the government function as the constitution requires, with the discretion fixed in them by that instrument, the form of the government is not changed and the sovereignty is not given up. In the proper and true sense a lawful contract does not interfere with the liberty of the individual or the sovereignty of a nation when fully and freely entered into. This League does not intend to curtail the sovereignty of the United States. The sovereignty of the United States is a sovereignty consistent with the sovereignty of every other nation. It should be a sovereignty limited by international law and international morality. The League only furnishes the machinery by which this equal and just sovereignty among the nations may be preserved. It furnishes for that preservation the sanction of a loose agreement between the nations under which the united forces of the nations may be directed to restraining the abuses of sovereignty by any nation.

Senator Knox criticizes the League because it recognizes the possibility of war and proposes to use war to end war. Certainly there is no means of suppressing lawless violence but by lawful force, and any League which makes no provision for that method and recognizes its validity would be futile. He points out that the plan of the League is not war proof, and that war may come in spite of it. Then he describes the kind of League which he would frame in which he provides a league which will involve the United States in quite as much war and in just as great a transfer of its sovereignty as he charges this covenant with doing.

He proposes to have compulsory arbitration before an International Court of international differences, excluding questions of policy. His court would not

settle all differences likely to lead to war, for questions of policy, however, because non-justiciable are just as likely to produce war as questions which are justiciable. Then he would declare war a crime, and any nation engaged in it other than in self-defense should be punished as an international criminal. Would not punishing a nation as a criminal be likely to involve war? The Court would have the right to call on powers constituting the League to enforce its decrees and awards by force and economic pressure. It would be difficult to state a League more completely transferring sovereignty to an outside body and giving it power to involve us in war than the plan of Senator Knox. It is far more drastic and ambitious, and derogates much more from national control than anything in this League. In contrast with it, the present League is modest.

The supporters of the present covenant do not profess it to be a perfect instrument. It does not profess to abolish war. It only adopts a somewhat crude machinery for making war improbable, and it furnishes a basis for the union of nations by which, if they are so minded, they can protect themselves against the recurrence of the disaster of such a war as that with which Europe has been devastated during the last four years. Experience under the League will doubtless suggest many improvements. But it is the first step that costs. Let us take it now when the whole world is yearning for it!

## II

THE PROPOSED COVENANT FOR A  
LEAGUE OF NATIONS

By CHARLES E. HUGHES

Address at the Union League Club, New York  
March 26, 1919

I speak from the standpoint of one who is earnestly desirous that institutions of international justice shall be established and that, without the sacrifice of our essential national interests, we shall coöperate in a society of nations to promote lasting peace under the reign of law.

We are not dealing with an aspiration, but with a document. The question is not whether an aspiration needs a document, but whether the document will give effect to the aspiration. We are asked not to voice an emotion, but to approve a plan.

The question is one of vital importance to the American people. It is a great American question, and should be discussed without partisan bias. If the plan is a good one, it ought to be approved regardless of its origin. If the plan is seriously defective or dangerous, its source should not save it. The question is presented in advance of the formulation of party platforms and should be considered upon its merits. Republican opposers who believe they are right should welcome Democratic support.

This counsel, of course, is for Democrats as well as for Republicans. If the latter are not to oppose because they are Republicans, it should equally be

expected that the former will not support because they are Democrats. The test is not in profession, but in the candor with which the subject is treated.

I shall not attempt to review matters of mere form. It seems to be conceded that the covenant is poorly drafted, and its most earnest supporters have severely criticized it. When Mr. Taft says that "its meaning has to be dug out and the language is ponderous and in diplomatic patois," and President Lowell says that "in places it is so obscure that the meaning is often inaccurately expressed and sometimes doubtful," that "it is easily misunderstood and has in fact been widely misunderstood," it is unnecessary to say more. The American people were entitled to a better piece of work, and at least it was a mistake to have given the impression that the document was a finished product with a good reason for its choice of expressions, when later it was necessary to excuse it as a hasty draft which required revision. Much would have been gained if at the outset a part of the time expended in its praise had been devoted to its correction.

However, we are here to deal with matters of substance and not of form, except as substance may inhere in form. While much that I have to say is necessarily a restatement of that with which you are familiar, it is only by a review of the covenant that I am able to state the views to which my study of it has led me.

*Parties.* The parties are the States who are signatories to the covenant, called the "high contracting parties," and those States who later adhere to the covenant. It appears that in addition to the signatories, certain States which are named in the protocol (which has not been published) are to be invited to



give their adherence. These States, it is implied, will be chosen by the signatories. Later, other States may be invited to adhere to the covenant with the assent of not less than two-thirds of the States represented in the body of delegates. Admission is limited to "fully self-governing countries, including dominions and colonies," and no State is to be admitted "unless it is able to give effective guaranties of its sincere intention to observe its international obligations and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments" (Art. VII). The body thus entitled to admit will, of course, be entitled to pass upon the qualifications of admission. I should see no objection to this arrangement provided the commitments contained in the covenant were unobjectionable. But if the provision of Article X, as to the guaranty of the territorial integrity and existing political independence of every member of the League, were to remain in the covenant, I should say that no new member ought to be introduced without the consent of every other member, or that a non-assenting member should be relieved from the extension of its guaranty.

While provisions as to membership might have been more clearly expressed, I find no serious question as to the effect of adherence. As Secretary Bayard said in one of his official notes in 1886:

The effect of adhesion to a treaty is to make the adhering power as much a party to all its provisions and responsibilities as though a like treaty had been concluded *ad hoc* between it and the other signatory. For example, were the United States to "adhere" to the proposed treaty between Great Britain and Zanzibar and effect such an "adhesion" in such a

way as to internationally bind themselves and Zanzibar, each and every provision would necessarily be enforceable as between the United States and Zanzibar, including the assumption on the part of the United States of control over certain subjects of future arrangement between Zanzibar and any third power.

Adherents will become parties with the same effect as though they had been signatories.

*Organization and Votes.* The fundamental necessity of a Society of Nations is the organized opportunity for conference and provision for the peaceful settlement of disputes. Sporadic international conferences are better than none, but it is important that the machinery of conference should be provided, and that there should be continuity of organization between meetings through a smaller body or council and an appropriate secretarial staff. To meet this need, the proposed plan provides for meetings of a "Body of Delegates," for an "Executive Council" and for a permanent secretariat.

The Body of Delegates is to consist of representatives of the members of the League, and at meetings of this body each member is to have one vote, but may have not more than three representatives.

The Executive Council is to consist of representatives of the United States of America, the British Empire, France, Italy and Japan, together with representatives of four other States, members of the League. The selection of the four States is to be made by the Body of Delegates on such principles and in such manner as they think fit. Pending this appointment, the covenant is to name the States which are to be represented on the Executive Council; these names have not yet been furnished.

Meetings of the Body of Delegates are to be held at stated intervals and from time to time as occasion may require. Meetings of the Executive Council are to be held from time to time and at least once a year. A permanent secretariat is established at a place to be designated by the covenant as the seat of the League. It is to comprise secretaries and staff under the general direction and control of the Secretary-General of the League, who is to be chosen by the Executive Council, and his appointees are subject to confirmation by the Executive Council (Arts. II, III and V).

It is to be noted that the covenant contains no plan for the establishment of a permanent court of international justice, but it is provided that the Executive Council shall formulate plans to this end (Art. XIV). This provision contemplates a court to which parties shall submit only such matters as they recognize to be suitable for submission to arbitration under the covenant.

It is extraordinary that clear and specific provision should not have been made as to the vote by which the Body of Delegates and the Executive Council, respectively, shall act. This ought not to be left to inference, and the omission of an explicit statement has given rise to much criticism which could easily have been averted.

I am satisfied, however, that except as otherwise provided in the covenant a unanimous vote would be required to make action effective. I understand that Lord Robert Cecil so stated, speaking at the Peace Conference immediately after the presentation of the covenant by President Wilson, and I believe that his statement has not been challenged by any one concerned in the drafting of the covenant. Certainly, no

dissenting power can ever be held to be unmindful of its obligations in case it asserts the rule of unanimity. This is the ordinary rule governing international action which rests upon the assumed equality of States, and a departure therefrom is not to be implied. Moreover, the covenant affords internal evidence of the intention to abide by this rule, for it provides in Article IV that "all matters of procedure at meetings of the Body of Delegates or the Executive Council, including the appointment of committees to investigate particular matters, shall be regulated by the Body of Delegates or the Executive Council, and may be decided by a majority of the States represented at the meeting." This express provision, and its limitation to matters of "*procedure*," including the appointment of committees of investigation, implies that in other matters a different rule obtains, which, of course, would mean the ordinary international rule requiring unanimity. While the point should be covered by an appropriate amendment, I think it fair to assume that this is the meaning of the covenant.

Assuming unanimity, a question might be raised, as it is provided that the action of the parties shall be effected "through the instrumentality of a meeting" (Art. I), whether the unanimity is not simply that of those present at the meeting, either of the Executive Council or of the Body of Delegates. The intent should be made clear. But if the unanimity only of those present at the meeting were required, any State could readily protect itself by being represented.

In short, I conclude that no action can be taken in the meeting of the Body of Delegates or in the Executive Council save by unanimous consent unless the contrary is expressed or necessarily implied in the



covenant. The exceptions where less than a unanimous vote is required are these:

1. In the admission by the Body of Delegates of new members, requiring the assent of not less than two-thirds of the States represented in that body (Art. VII), a matter to which I have already referred.

2. In the amendment of the covenant, which requires ratification by three-fourths of the represented States in the Body of Delegates (Art. XXVI). This might be regarded as prejudicial to a dissenting member of the League not directly represented in the Executive Council, but as all amendments to the covenant must also be ratified by the States whose representatives compose the Executive Council, there could be no amendment without the consent of the United States of America.

3. Where a State is itself a party to a dispute, which is referred under Article XII and is examined either by the Executive Council or the Body of Delegates, that State is not to take part in the recommendations relating to the disposition of the dispute. Unanimity in such cases is the unanimity of others besides the disputants (Art. XV).

It may be added that aside from proceedings upon the reference of a dispute to which a State is a party, the mere fact of interest would not disqualify a State from voting either in the Body of Delegates or in the Executive Council. There is no provision for any such disqualification except as it is involved in the provision relating to disputes, and it may be supposed that States will vote in accordance with, and in order to protect, what they conceive to be their interests.

4. Matters of procedure, including the appointment of committees of investigation, both in the Body of

Delegates and the Executive Council, may be determined by a majority vote. If there should be serious dispute as to what is merely procedural, each State would doubtless take its own view and would resist majority action against its wishes in what it conceived to be a matter of substance.

Matters of procedure, however, are frequently highly important, and the control of the personnel of committees of investigation may be of grave consequence. But it is also important that mere matters of procedure should not be unnecessarily fettered, and, even though in such matters each State is subject to the risk of being outvoted, it will have its normal influence in suitable proportion to the weight of its opinion and the value of its friendship.

In the limited field in which unanimity is not necessary, there is a manifest lack of proportion in voting power, when the States which are members of the League are considered with respect to area, population, and wealth. For example, in the Body of Delegates, such States as Norway, Sweden, Denmark, Switzerland, and Chile, if members of the League, would each have one vote, and the United States would have one vote. The point has also been made that Article VII states that the "fully self-governing countries," which may be admitted to the League may include "dominions and colonies," and that thus the great self-governing dominions and colonies of Great Britain would, on admission to membership, each have one vote. The subject is one of great practical difficulty because, on the one hand, of the principle of equality of States, and, on the other hand, of the reasons for the recognition of such dominions and colonies as Canada, Australia, New Zealand, and

South Africa. The importance of the narrow limitation of the field in which action can be taken by a majority vote becomes apparent.

The requirement of unanimity in other matters than those which I have specified above deprives many of the provisions of the covenant either of promise of benefit or menace of harm, from any definite action where unanimity cannot be had, and reduces the covenant in large measure to a plan for conference.

*Matters Reserved for Future Decision.* It is most important to distinguish between the matters that are left to future consideration and decision and the commitments contained in the covenant that are immediately operative. As to the former, the covenant is nothing more than a general declaration of intention which will depend for the fruition of the hopes and wishes it embodies upon the subsequent unanimous action of the member powers.

Thus it is provided that the parties agree that "the League shall be entrusted with general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest" (Art. XVIII). What shall be done is, of course, a matter for future decision and will depend upon consent. Again, it is provided that the parties "will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and to that end agree to establish as part of the organization of the League a permanent Bureau of Labor" (Art. XX). This will be effective, like the provision of Article IX for a permanent com-

mission to advise the League on disarmament and military and naval questions generally, so far as the establishment of the described bureau is concerned. These bureaus or commissions will serve as repositories of information, and will act in an advisory capacity. Action by the League upon any recommendation will depend upon unanimous consent. Again, the parties agree "that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the War of 1914-1918" (Art. XXI). What is meant by "freedom of transit and equitable treatment for the commerce of all States" must be left to conjecture. But, whatever the clause means, it will require unanimous consent of the members of the League to translate it into anything effective.

*Disarmament.* The carrying out of the provision for disarmament (Art. VIII) will depend entirely upon consent. It is agreed that the Executive Council shall formulate plans for the reduction of national armaments "to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State" (*id.*). The formulation of this plan is obviously a matter of substance, and not a matter of mere procedure, and hence unanimous action of the States represented in the Executive Council would be required; that is, the assent of the United States would be needed. Moreover, the Executive Council merely



recommends, and its recommendation would not be effective unless adopted, which means in the case of the United States that its effectiveness would depend upon the action of Congress.

It is also provided that the Executive Council shall "determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament, and these limits, when adopted, shall not be exceeded without the permission of the Executive Council" (Art. VIII).

This paragraph distinctly provides that the determination of the Executive Council is "for the consideration and action of the several governments." It also contemplates a "scale of forces laid down in the program of disarmament;" that is, it looks to action by the States with reference to an established proportion. The clear inference is that no State is to be tied down by its own action if the other States do not take corresponding action. In substance, then, the Article means that if the States which are members of the League actually adopt a plan for reduction of national armaments, it shall remain effective until the Executive Council otherwise permits. The Executive Council cannot otherwise permit without the assent of the United States, and so far as the plan is concerned, no member of the League is bound unless all the members are bound.

I am unable to see either severity or hardship in this provision, and its promise lies in whatever prospect there may be of obtaining a unanimous agreement.

In the same Article (Art. VIII) the parties agree that the Executive Council shall advise how the evil

attendant upon the manufacture by private enterprise of munitions and implements of war can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety. Here again the Executive Council, which acts upon unanimous vote, merely advises, and it is optional with the members of the League to accept or reject their advice.

*Commitments Immediately Operative.* Among these the one of first importance in relation to the *raison d'être* of the League is the provision for the determination and adjustment of controversies.

*Provision for the Peaceful Settlement of Disputes.* The parties agree that "should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators, or a recommendation by the Executive Council, and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council." The award of the arbitrators is to be made within a reasonable time and the recommendation of the Executive Council within six months after the submission of the dispute (Art. XII).

So far as arbitration is concerned, the submission is optional and does not go beyond existing practice. The parties agree to submit to arbitration only when they recognize the dispute or difficulty to be suitable for such submission, and the court of arbitration is to

be agreed upon by the parties or to be as stipulated in any convention existing between them (Art. XIII). In short, either party to the dispute may block arbitration if it considers the dispute not suitable for submission. If this nation consents to arbitration as an honorable nation, it will, of course, abide by the award. Should another party to the controversy fail to carry out the award, the Executive Council "shall propose what steps can best be taken to give effect thereto." This, of course, contemplates only a proposal, and action is dependent upon the approval of those to whom the proposal is made.

If there arises between States which are members of the League any dispute likely to lead to rupture, which is not submitted to arbitration, the parties agree that they will refer the matter to the Executive Council (Art. XV). Notice of the existence of the dispute may be given to the Secretary-General, who is to make the necessary arrangements for full investigation and consideration. The parties agree promptly to communicate to the Secretary-General statements of their case, with all the relevant facts and papers, and the Executive Council may forthwith direct the publication of these. If the effort of the Council leads to the settlement of the dispute, a statement is to be published indicating the nature of the dispute and of the settlement, together with appropriate explanations (*id.*). On the request of either party to the dispute, within fourteen days after the submission of the dispute, it must be referred to the Body of Delegates, or the Executive Council may so refer it at its own option. The disputants must await the recommendation of the Executive Council, or of the Body of Delegates, as the case may be, which, as already stated, must

be made within six months, and must refrain from going to war for a further period of three months.

There is no further obligation upon either disputant unless (1) the report of the Executive Council or of the Body of Delegates, as the case may be, is unanimous (the disputants, of course, not voting), and unless (2) the other disputant complies with this unanimous recommendation. In short, either disputant may cause the reference of the dispute to the Body of Delegates, consisting of all the States which are members of the League, and there is no obligation assumed with respect to any recommendation that may be made unless all the States which are represented in the Body of Delegates (other than the disputants) agree to the recommendation.

There is no agreement to comply with a unanimous recommendation, the agreement being simply not to go to war against a disputant who does comply with it. If the inquiry does not result in a unanimous recommendation, or if there is a unanimous recommendation and the other party to the dispute does not comply with it, the covenant itself implies that the disputants may go to war, if they so desire, without breach of their obligation. In such case the obligation under Article XII is fulfilled in the submission to the inquiry. If there is a unanimous recommendation, and if the party refuses to comply with it, the Executive Council is to propose measures necessary to give effect to the recommendation. Here, again, is a proposal that requires the assent, in order to be effective, of those to whom the proposal is made.

Article XVI provides the sanction for Article XII. It provides that should any of the parties break or disregard its covenants under Article XII (relating



to arbitration and inquiry), it "shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertakes immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not."

This sanction must be examined in the light of the obligation to which it relates. It only applies in case the covenants contained in Article XII are broken. Those covenants will not be broken in case the dispute is submitted either to arbitration or to inquiry, as above stated, and the parties wait the prescribed time, unless there is either an award of the arbitrators or a unanimous recommendation by the Executive Council or Body of Delegates, as the case may be, and a resort to war by a party despite the compliance by its opponent with the award or recommendation. A case of a breach of an award will rarely arise, as arbitration lies wholly in consent, and will relate to controversies deemed to be justiciable, and awards are likely to be carried out. In other cases, it is probable that the sanction of Article XVI will rarely, if ever, be operative, as a unanimous recommendation of all the States represented in the Body of Delegates (to which the dispute must be referred upon request) as against the wishes of any influential State, is a most unlikely event. Moreover, if there should be a unanimous recommendation of the Executive Council or of the Body of Delegates, which is unsatisfactory to both dis-

putants, and hence neither complies with it, there would be no breach of Article XII and hence the sanction of Article XVI would not apply, providing the parties wait for three months after the recommendation is made before going to war.

In the event that there is a breach of Article XII, so as to make Article XVI applicable, it is a mistake to suppose that Article XVI would be self-executing. It is provided that the breach of Article XII shall *ipso facto* be deemed to be "an act of war against all the other members of the League." But an "act of war" is different from a state of war. It will remain for the powers to decide whether or not they will go to war. The parties do undertake immediately to sever all trade and financial relations with the covenant-breaking State, but legislation would be necessary to carry out this provision, as, for example, in the imposition of an embargo, etc. And in the case of the United States, so far as the practical enforcement on our part of the provisions of Article XVI is concerned, the passing of the necessary legislation would depend upon the attitude of Congress.

It is apparent that the value of Article XII, and of the sanction of Article XVI, lies in the agreement to submit disputes to inquiry and to await the time required for the inquiry. Whether the time allowed for the inquiry and the facts developed and published preliminary to or in the course of the inquiry, will lead to a "cooling off," or whether the controversy will become more bitter and finally end in war, is beyond the range of prophecy. The value of an opportunity for "cooling off," and of the requirement to submit to an inquiry and the publication of facts and papers should not be underestimated, but it is manifest that these

provisions fall far short of any positive assurance against war.

It is not necessary to review separately the provisions of Article XVII, with respect to disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, as these provisions are assimilated to those applicable to disputes between members. States not members of the League are to be invited to accept the obligations of membership in the League for the purpose of the dispute. They come under no heavier obligations. If both parties to the dispute refuse to accept the obligations of membership for the purpose stated, "the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute." This contemplates unanimous action on the part of the Executive Council, and so far as its recommendations are concerned, they will come to nothing without the assent of the members of the League to which the recommendations are submitted.

*Scope of Inquiries by the League.* In connection with these provisions for the peaceful settlement of disputes, should be read the sweeping description of matters with which the League may concern itself, as provided in Article XI, as follows:

Any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the League, and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the high contracting parties to draw the attention

of the body of delegates or of the executive council to any circumstance affecting international intercourse which threatens to disturb international peace or the good understanding between nations upon which peace depends.

This, properly understood and confined to the proper sphere of international conference, is flexible and practicable. It gives voice to the lesson of the great War. It provides the machinery for consultation, mediation, and conciliation. It commits to no action, leaves the door open for the only coöperation that can properly be contemplated; that is, the coöperation which at the time of the exigency is deemed to be advisable.

*Internal Concerns, Immigration, and Tariff Laws, etc.* The breadth, however, of the provisions to which I have referred raises a caution, and the need of it is emphasized by the provision of Article III that at the meetings of the Executive Council "any matter within the sphere of action of the League or affecting the peace of the world may be dealt with." Important as it is that there should be broad opportunity for consultation, mediation, and conciliation, it is equally important that this opportunity should not be made the occasion of intrusive inquiries into internal concerns. Attempts to make such concerns the subjects of inquiry by the League would tend to its disruption, and would be likely to breed troubles rather than to cure them. It has been said that the general words I have quoted will have appropriate limitation according to the principles of international law. But the covenant is a new departure and it contains provisions, as, for example, with respect to labor conditions, manufacture of munitions by private enterprise, etc., which indicate that the field of inquiry is not to be limited by previous



conceptions of what affects international intercourse. While the authority does not extend beyond the domain of recommendation, the jurisdiction should be properly defined, else that which is intended to heal difficulties may create them. If the United States proposes to regard her immigration laws, her tariff laws, and her laws relating to the regulation of commerce, including her coastwise traffic, as matters of her exclusive concern, then there should be appropriate qualifications of the general words of the covenant, both with respect to the field of the League's inquiries and to the submission of disputes. Unnecessary ambiguities are not the friends of peace. The suggestion that it is unwise to refer particularly to such matters as immigration and the tariff shows conclusively that it would be the height of unwisdom not to refer to them. The very fact that even now, when any reasonable request should not go unheeded, we are told that, although such matters are of internal concern, reference should not be expressly made to them as belonging in that category, shows conclusively that it is not safe to trust this matter to the future. We do not wish inquiries stimulated along these lines, even though they are only for the purpose of securing recommendations, unless we propose to recognize such inquiries as appropriate. As to this matter there should be candid and explicit provision, in order that the nation may be properly advised of what it is proposed to do. I must assume, until the contrary is established, that those who are in charge of our interests at Paris will see to it that the covenant is suitably amended in this respect.

*The Monroe Doctrine.* It has been said, I understand, that the covenant extends the Monroe Doctrine to the world. This is a singularly infelicitous and

inaccurate description of the effect of the covenant upon a doctrine which is nothing if not a distinctively national policy. The reported statement is based upon the guaranty contained in Article X with respect to territorial integrity and political independence. The provision of Article X is in itself, in my judgment, highly objectionable. But in any event, such a guaranty cannot be regarded as an adequate substitute for the Monroe Doctrine. It is of the essence of the Monroe Doctrine that it declares the right of self-protection. It does not undertake to interfere with, or impair, the sovereignty of any other State, but it does seek to maintain our own security.

The best statement of it, I think, has been made by Senator Root in his address on "The Real Monroe Doctrine," and I can make no better contribution to the current discussion than to quote his words:

The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may and frequently does extend in its effect beyond the limits of the territorial jurisdiction of the state exercising it. . . . The most common exercise of the right of self-protection outside of a state's own territory and in time of peace is the interposition of objection to the occupation of territory, of points of strategic military or maritime advantage or to indirect accomplishment of this effect by dynastic arrangement. . . . Of course, each state must judge for itself when a threatened act will create such a situation. If any state objects to a threatened act, and the reasonableness of its objection is not assented to, the efficacy of the objection will depend upon the power behind it.

It is doubtless true that in the adherence of the American people to the original declaration there was a great element

of sentiment and of sympathy for the people of South America who were struggling for freedom, and it has been a source of great satisfaction to the United States that the course which it took in 1823 concurrently with the action of Great Britain played so great a part in assuring the right of self-government to the countries of South America. Yet it is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States.

Senator Root also addressed himself to the suggestion that the doctrine has been changed or enlarged. This, as he said, is a mistake. He continued:

One apparent extension of the statement of Monroe was made by President Polk in his messages of 1845 and 1848, when he included the acquisition of territory by a European Power through cession as dangerous to the safety of the United States. It was really but stating a corollary to the doctrine of 1823 and asserting the same right of self-protection against the other American states as well as against Europe.

The corollary has been so long and uniformly agreed to by the Government and the people of the United States that it may fairly be regarded as being now a part of the doctrine.

But, all assertions to the contrary notwithstanding, there has been no other change or enlargement of the Monroe Doctrine since it was first promulgated. . . . It is the substance of the thing to which the nation holds, and that is and always has been that the safety of the United States demands that American territory shall remain American.

Senator Root said further:

Since the Monroe Doctrine is a declaration based upon this nation's right of self-preservation, it cannot be transmuted into a joint or common declaration by American states or any number of them. . . .

It is plain that the building of the Panama Canal greatly accentuates the practical necessity of the Monroe Doctrine as it applies to all the territory surrounding the Caribbean or near the Bay of Panama. The plainest lessons of history and the universal judgment of all responsible students of the subject concur in teaching that the potential command of the route to and from the Canal must rest with the United States, and that the vital interests of the nation forbid that such command shall pass into other hands. Certainly no nation which has acquiesced in the British occupation of Egypt will dispute this proposition. Undoubtedly as one passes to the south and the distance from the Caribbean increases, the necessity of maintaining the rule of Monroe becomes less immediate and apparent. But who is competent to draw the line? Who will say, "To this point the rule of Monroe shall apply; beyond this point, it should not"? Who will say that a new national force created beyond any line that he can draw will stay beyond it and will not in the long course of time extend itself indefinitely?

The danger to be apprehended from the immediate proximity of hostile forces was not the sole consideration leading to the declaration. The need to separate the influences determining the development and relation of states in the new world from the influences operating in Europe played an even greater part. . . . The problem of national protection in the distant future is one not to be solved by the first impressions of the casual observer, but only by profound study of the forces, which, in the long life of nations, work out results. In this case the results of such a study by the best men of the formative period of the United States are supported by the instincts of the American democracy holding steadily in one direction for almost a century. The problem has not changed essentially.

I believe that these words, spoken in 1914, should be heeded now.

It is idle to say that the covenant in its present form adequately safeguards our traditional policy. In



this vital matter, there is no reason why we should trust to equivocal clauses or vague assurances. If our policy is not respected, now is the time to know this important fact. If it is respected, let it be safeguarded appropriately. There is no use in contending that the present covenant is adequate when so strong a supporter as President Lowell has this to say:

The United States would be justified in asking, and in my opinion ought to ask, for a clause in the covenant that no foreign power shall hereafter acquire by conquest, purchase, or in any other way, any possession on the American continent or the islands adjacent thereto. Nor do I believe that the European members of the League would object to such a clause, because they do not want another nation to acquire military posts or naval stations in the neighborhood of their own coasts, canals, or coaling stations.

Such an amendment is essential; I regard it as vital to our just interests.

Again, in order to safeguard interests that are distinctively American, I agree with Mr. Taft that there should be a further provision that "the settlement of purely American questions should be remitted primarily to the American nations, with machinery like that of the present League, and that European nations should not intervene unless requested to do so by the American nations."

*The Guaranty in Article X.* This is as follows:

The high contracting parties shall undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all states members of the League. In case of any such aggression or in any case of any threat or danger of such aggression the Executive Council shall advise upon the means by which the obligation shall be fulfilled.

This contemplates an immediate undertaking, that is, the present assumption of the obligation as defined. The guaranty relates to the territorial integrity and political independence of *every State* that is a member of the League; the agreement is to preserve that integrity and independence as against external aggression. If this preservation, as may be expected, requires the force of arms, then we must supply the force of arms or be regarded as defaulting in our engagement.

It has been said that this guaranty should be given for the protection of the new States to be erected in Europe. But there appears to be no reason, in any event, why a guaranty of this sort should be given to all the States in the world, which may become members of the League.

I regard this guaranty as a trouble-breeder, and not a peace-maker. I believe it to be unnecessary and unwise; there is little ground for supposing that it will prevent war; on the contrary, it is likely to prove illusory and to create disappointment and a sense of injury and injustice on the part of those who are led to place confidence in it.

Primarily, apart from other considerations, its inflexibility should condemn it. This covenant is intended to be a permanent arrangement. Even if a State could withdraw from the League, the undertaking would remain as long as membership continued, and the covenant can be amended only if all the States whose representatives compose the Executive Council, and three-fourths of the States whose representatives compose the Body of Delegates, ratify the amendment. Unless the League is disrupted, the guaranty may be regarded as a permanent one. The

guaranty makes no allowance for changes which may be advisable. It ascribes a prescience and soundness of judgment to the present Peace Conference in erecting States and defining boundaries which nobody in the history of the world has ever possessed. Even as to the new States, it attempts to make permanent existing conditions, or conditions as arranged at this conference, in a world of dynamic forces to which no one can set bounds. It gives no fair opportunity for adjustments. It is in the teeth of experience. The limitation of the words "as against external aggression" is a frail reliance; no one can foresee what the merits of particular cases may be. Nor does Article XII afford security. Even if jurisdiction could be deemed to attach under Article XII to a matter within the guaranty of Article X, there might not be, indeed it may be said that there probably would not be, a unanimous recommendation. What good reason is there for this guaranty to apply to unknown and unforeseeable contingencies? Why not leave the future to conference and decision in the light of events?

The guaranty would be unwise even if it could accomplish its apparent purpose. But I also think that it will prove to be illusory. Should there be occasion to make the promise good, not improbably it will be insisted that it is a collective guaranty. Already it is urged in support of the guaranty that its obligation apparently rests not upon any nation individually, but depends upon united action, both as to the occasion and manner of enforcement. The general tenor of the covenant, as well as the last clause of Article X, will be appealed to in support of this view.

Certainly, each power will be the judge of what in good faith it should do. In the case of the United

States, the guaranty will not be made good except by the action of Congress, and it will be for Congress to decide whether we are bound and what we should undertake. The course of recent debates has sufficiently indicated what the attitude of Congress is likely to be, if the resort to war pursuant to Article X is opposed to the opinion of the country. Congress not improbably will consider that it has not been put under any proper obligation to assume the unwelcome task. In such a case, the guaranty would merely serve the purpose of permitting the charge that we had defaulted in our obligation. On the other hand, if in our conception of duty, clarified by our experience in the great war, we should conclude that we should go to war to preserve the territorial integrity of another State, or in defense of liberty and civilization, we should respond with heartiness to that call of duty in the absence of Article X.

I am not unmindful of the importance of making response to the importunate demand of stricken and suffering peoples that an organized endeavor should be made to prevent the recurrence of strife. I deeply sympathize with the purpose to provide international arrangements for conference, for the judicial settlement of disputes, for conciliation, and for coöperation to the fullest extent practicable and consistent with a proper regard for our national safety. But time passes rapidly, and it is not the part of wisdom to create expectations on the part of the peoples of the world which the covenant cannot satisfy. I think that it is a fallacy to suppose that helpful coöperation in the future will be assured by the attempted compulsion of an inflexible rule. Rather will such coöperation depend upon the fostering of firm friendships



springing from an appreciation of community of ideals, interests, and purposes, and such friendships are more likely to be promoted by freedom of conference than by the effort to create hard and fast engagements.

*Constitutional Questions.* To avoid confusion of thought, it is absolutely necessary to bear in mind an established distinction. Treaties may be considered in two aspects: (1) with respect to the municipal law of the United States, that is, as a part of the supreme law of the land, and (2) as contracts with foreign nations. When a treaty is self-executing, that is, when it may be put into effect without the aid of legislation by Congress, it becomes a part of the law of the land and as such is subject to construction and enforcement by the courts. In this aspect, the Supreme Court resorts to the treaty for a rule of decision for the case before it, as it would to a statute, and like a statute, the treaty is subject to repeal or modification by a subsequent act of Congress. (Headmoney cases, 112 U. S. 580, 599.)

In its aspect as a contract with a foreign nation, the question is one for the political department of the Government. Where the treaty by its terms requires legislation to carry it out, there is no judicial question presented until the necessary legislation has been passed. The principle was thus declared by Mr. Chief Justice Marshall in delivering the opinion of the Supreme Court in *Foster v. Neilson* (2 Pet. 253, 314):

Our Constitution declares a treaty to be the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the legislature, whenever it operates of itself without the aid of any legislative provision. But when the terms of the stipulation import a contract—when either of

the parties engages to perform a particular act—the treaty addresses itself to the political, not the judicial, department; and the legislature must execute the contract before it can become a rule for the court.

In the present case, the provisions of the covenant contemplate legislation. Thus, the provision of Article XVI, with respect to the severance of trade or financial relations with a State breaking its agreement under Article XII to submit disputes to arbitration or to inquiry, is a provision which would require legislative action to carry out. If Congress passed legislation for the described purpose, and it was legislation of a character which Congress was otherwise competent to enact, no question would arise as to the constitutionality of the treaty; and if Congress refused to pass the legislation, the question of breach of the provision of the covenant would be an international one and addressed to the political department of the Government. So, also, if by reason of the guaranty in Article X, Congress should decide to declare war, no question would arise as to the validity of the guaranty; and if Congress refused to declare war, there would be no question for the courts. It is manifest, therefore, that in the event of the ratification of the covenant, the question whether an obligation had been created by the proper exercise of the treaty-making power would be one which Congress would determine in deciding whether it should enact legislation under Article XVI or should declare war in pursuance of Article X.

The extent to which Congress would regard itself as bound, as a matter of good faith, to enact legislation for the purpose of carrying out treaties has been the subject of debate, from time to time, since the days

of Washington. Despite these debates, and notwithstanding its power to frustrate the carrying out of treaties, Congress in a host of instances has passed the necessary legislation to give them effect; and the disposition has frequently been manifested to avoid any basis for the charge of bad faith through a disregard of treaty stipulations. The Supreme Court has broadly defined the treaty power as being "unlimited except by those restraints which are found" in the Constitution "against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids or a change in the character of the government, or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. . . . But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." (*De Geofroy v. Riggs*, 133 U. S. 258, 267.)

With respect to appropriations of money, and to the enactment of legislation for the carrying out of such provisions as are within the manifest scope of the treaty-making power, there would seem to be no doubt of the recognition of the moral obligation of Congress. (1 Kent's Com. 165; Dana's *Wheaton*, Sec. 543.) But it is apparent to a student of our history that Congress has not recognized an authority of treaty-making power to place upon Congress the moral duty to carry out any sort of stipulation, and there have been notable remonstrances in the House

of Representatives against commitments even with respect to legislation as to commercial regulations.

Congressional precedents in cases where Congress has been in accord with the policy of treaties are of slight value as a guide to the attitude of Congress in a future controversy with respect to the provisions of this covenant. There is nothing in our history to give assurance that Congress would recognize the authority of the treaty power to bind Congress to declare war in a cause that it did not approve. The decision as to the policy, as to existence of the duty, and as to the power to create the duty, would rest with Congress. Whether or not Congress would feel itself bound to respond, or would take the position that, in so vital a matter as a resort to war, it could not be pledged in advance without its consent, is a question which must be left to the event. The discussions which have repeatedly taken place in the House of Representatives show that the question involved is a mooted one.

It is in this sense that the covenant to resort to war under Article X, or to sever all trade and financial relations under Article XVI, presents constitutional questions. There is no such question in the sense that action by Congress could be dispensed with and the matter decided by the courts. The point is that Congress would be the judge of its obligation and would determine to its own satisfaction the question whether the treaty power could impose and had imposed upon Congress the duty to act under the provision of the covenant, although Congress believed that such action would be contrary to the interests of the country.

Foreign nations, however, might be expected to take the view that they were not concerned with our



internal arrangements and that it was the obligation of the United States to see that the action claimed to have been agreed upon was taken. If that action was not taken, although Congress refused to act because it believed it was entitled to refuse, we should still be regarded as guilty of a breach of faith. It is a very serious matter for the treaty-making power to enter into an engagement calling for action by Congress unless there is every reason to believe that Congress will act accordingly. Assuming that this could be expected with respect to the legislation required by Article XVI, it is manifest that when the covenant calls for the making of war, there can be no such assurance. And this does not mean that Congress will repudiate an admitted obligation, but that Congress may conclude that the obligation does not exist because in such a matter it could not be imposed. From such a decision there would be no appeal.

*Registration of Treaties.* The provision of Article XXIII, that no treaty shall be binding unless registered, as provided in the article, presents little difficulty. The parties may observe it, if they choose, by registering their treaties, and it may be assumed that they would observe it. If, however, a treaty were subsequently made without registration, it is difficult to see upon what ground it could be deemed to be invalid as between the parties who entered into it.

*Mandatories.* I shall not review the provisions as to mandatories. The plan has decided merit. It does not follow, however, that the United States should assume the obligation of a mandatory in the Eastern Hemisphere. Such an undertaking would present the most serious questions. It is clear that we ought not to be put in a position where we should be bound, even

morally, to accept such a designation. The right to refuse to be a mandatory should be distinctly reserved.

*Withdrawal.* It should also be made clear that any member of the League may withdraw at its pleasure on a specified notice.

*Suggested Amendments.* Aside from formal improvements, I think the covenant should be amended as follows:

1. By explicit provision as to the requirement of unanimity in decision.

2. By suitable limitation as to the field of the League's inquiries and action, so as to leave no doubt that the internal concerns of States, such as immigration and tariff laws, are not embraced.

3. By providing that no foreign power shall hereafter acquire by conquest, purchase, or in any other way, any possession on the American continent or the islands adjacent thereto.

4. By providing that the settlement of purely American questions shall be remitted primarily to the American nations, and that European nations shall not intervene unless requested to do so by the American nations.

5. By omitting the guaranty of Article X.

6. By providing that no member of the League shall be constituted a mandatory without its consent, and that no European or Asiatic Power shall be constituted a mandatory of any American people.

7. By providing that any member of the League may withdraw at its pleasure on a specified notice.

While this is being written, there are reports that amendments are being made. This is as it should be, and it may be hoped that the amendments will go far enough to meet serious objections. The important

changes that are desired are not prejudicial to a sound international order. Rather will they tend to make it practicable and lasting. We can readily arrange for desirable conferences without disadvantageous commitments. And it should be remembered that the great protection against war for a considerable period of years will be found not in any forms of words that may now be adopted, however desirable these may be, but in economic conditions which are an assurance that for a considerable time, at least, we shall not have a recurrence of world strife. The danger now lies not in the menace of force employed to further imperial designs, but in the disorder due to the break-up and the removal of traditional restraints and the tendency to revolution within States. In making commitments, it should be remembered that while it is highly important that at this time we should do everything that is practicable to promote peace and to secure stable conditions, we should be cautious in making promises which are to be redeemed in unknown contingencies.

We can give counsel and afford substantial assistance without imperiling our safety. We are not likely to ignore our duty to civilization because we seek to maintain the integrity of our own home. We went forth to fight for liberty, not because we had grown less ardent in the love of our own country, but because we were inspired by devotion to our own institutions. It was not the red flag, but the Stars and Stripes, for which we fought. And if we lose that love of country which transcends all else and makes us willing to die to preserve our country, then shall we lose the capacity and the desire to aid in protecting the liberties of others.

## III

THE PROPOSED CONVENTION FOR A  
LEAGUE OF NATIONS

By ELIHU ROOT

Letter to the Chairman of the Republican  
National Committee, March 29, 1919.In reply to the following letter from Mr. Hays,  
Chairman of the Republican National Committee:

Washington, D. C., March 24, 1919

Hon. Elihu Root,  
New York, N. Y.

Dear Senator Root:

Americans are seeking earnestly for further light on the question of the so-called League of Nations.

In the same spirit in which Republicans during the recent war measured their every act by how they could contribute most to effective action, so now they are determined to meet this new phase of the war problem in that revived spirit of fervent Americanism which is the glorified result of our experience of fire and blood, moving with a full appreciation of this country's duty as a responsible factor in the world of today and tomorrow and with the earnest determination to do all that can possibly be done toward the maintenance of peace without sacrificing our own supreme nationalism, the preservation of which in its integrity is the greatest safeguard for the future not only for the citizens of this country but for all peoples everywhere.

With a seriousness commensurate with the magnitude and complexity of the problem, the people are seeking the fullest information and best judgment to enable them to reach a correct conclusion. I know that I express the feeling of great numbers of your fellow citizens when I say that they will be under real obligation to you if you will present your views upon this vital subject.

Trusting you may see your way clear to meet this obvious demand, I am, with great respect,

Sincerely yours,

WILL H. HAYS,  
*Chairman*



New York, March 29, 1919

Honorable Will H. Hays, Chairman,  
Republican National Committee,  
452 Fifth Avenue,  
New York City

Dear Sir:

I have received your letter of March 24 and I give you herewith at perhaps inordinate length my views regarding the proposed Convention for a League of Nations.

I am sure that all of us earnestly desire that there shall be an effective international organization to preserve the peace of the world, and that our country shall do its full share toward the establishment and maintenance of such an organization. I do not see much real controversy about that among the American people, either between parties, or within parties, or otherwise.

There is, however, a serious question whether the particular proposed agreement which is now under discussion by the Peace Conference in Paris under the title a "Constitution of a League of Nations" will accomplish that end in its present form, and whether it cannot be made more effective and free from objection. A careful study of the paper under the urging of intense interest in the subject has led me to the conclusion that a large part of its provisions will be of great value, but that it has very serious faults, which may lead to the ultimate failure of the whole scheme unless they are remedied, and some faults which unnecessarily and without any benefit whatever to the project tend to embarrass and hinder the United States in giving its full support to the scheme.

I think there should be several very important amendments to the agreement.

This seems to be the general view. Mr. Taft, who joined the President in advocating the agreement, says it ought to be amended almost as strongly as his former Secretary of State, Senator Knox, says the same thing. When Mr. Lodge and Mr. Lowell had their great debate in Boston both said the agreement ought to be amended.

A discussion of the merits and faults of the scheme with a view to amendment is now the regular order of business. It was to give an opportunity for such a discussion that the paper was reported to the Paris Conference and made public by the Committee that prepared it.

At the time of the report, Lord Robert Cecil, who represented Great Britain in the Committee, said: "I rejoice very much that the course which has been taken this afternoon has been pursued. It seems to me a good omen for the great project in which we are engaged that before its final completion it should have been published to the world and laid before all its people for their service and for their criticism."

Signore Orlando, who represented Italy, said: "We all expect from the discussion and development of the present act a renewal of the whole world, but, as the present debate has for its object to bring the whole scheme before the public opinion of the world, I wish to bring to that debate my personal contribution."

M. Leon Bourgeois, who represented France in the Committee, said: "Lord Robert Cecil has said, 'We now present to the Conference and to the world the result of our work;' but we do not present it as something that is final, but only as the result of an honest

effort to be discussed and to be examined not only by this Conference, but the public opinion of the world."

At that very time M. Bourgeois suggested an amendment about which I shall say something presently, and he went on to say: "The observations we have made on some points will, we hope, be of some value in the further discussions, since we are at the beginning of the examination of the whole plan."

These gentlemen represented all the great Allies by whose side we have been fighting in Europe, and it is plain that they expected and wished that the scheme which they had reported should be subjected to public discussion and criticism in their own countries and in ours. It is also plain that they saw no reason why the proposed agreement should be rushed through in such haste that there would not be an opportunity for public discussion and criticism and for communicating the results to the Conference.

Under our Constitution it is the business of the Senate to take the lead in such a discussion, to compare the different opinions expressed in the several states, and to draft in proper form the amendments which the public judgment seems to call for. It is unfortunate that the Senate has not been permitted to perform that duty in this case. It seems to me that the Senate ought to have been convened for that purpose immediately after the 4th of March. In addition to the regular and extra sessions of Congress, the Senate has been convened separately in Special Session forty-two times since it was first organized, ordinarily to confirm a few appointments or pass on unimportant treaties—never for any reason more important than exists now.

There is a special reason why the Senate should consider this proposed agreement. Ordinarily, treaties are negotiated by ambassadors, ministers, or delegates, and their work is supervised and corrected if need be by the President and Secretary of State at Washington, who from their different point of view frequently see things the actual negotiators overlook. In this case, since the President himself is negotiating the Treaty in Paris, there is no one in Washington to supervise the negotiation, and there is no one with authority to give the negotiators the benefit of independent official judgment, unless the Senate is to perform that function.

This situation throws upon the people of the country the duty to answer the expectations of the Conference by studying and discussion and expressing their opinions on the various provisions of the proposed agreement, and to make their expressions of opinion heard the best way they can.

The avowed object of the agreement is to prevent future wars. That is what interests us. We are not trying to get anything for ourselves from the Paris Conference. We are not asking any help from the other nations who are in the Conference, but we would like to do our part toward preventing future wars. How does the proposed scheme undertake to do that?

To answer that question one must call to mind the conditions to which the scheme is to be applied.

All the causes of war fall in two distinct classes.

One class consists of controversies about rights under the law of nations and under treaties. In a general way these are described as justiciable or judicial questions. They are similar to the questions between individuals which courts are all the time deciding.



They cover by far the greater number of questions upon which controversies between nations arise.

For more than half a century the American Government has been urging upon the world the settlement of all such questions by arbitration. Presidents Grant, Arthur, Harrison, Cleveland, McKinley, Roosevelt, and Taft strongly approved the establishment of a system of arbitration in their messages to Congress. Thirty years ago our Congress adopted a resolution requesting the President to invite negotiations with every other government "to the end that any differences or disputes arising between the two governments which cannot be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means."

President McKinley in his first inaugural declared: "The adjustment of difficulties by judicial methods rather than force of arms has been recognized as the leading feature of our foreign policy throughout our entire national history."

We have illustrated the benefits of this method of settling disputes by the Alabama Arbitration in 1872, the Behring Sea Arbitration in 1893, the Alaska Boundary Tribunal in 1903, the North Atlantic Fisheries Arbitration in 1910.

The two great International Conferences at the Hague in 1899 and in 1907 established a permanent Court of Arbitration, and rules of procedure. They also made great progress in agreeing upon and codifying the rules of International Law which this Court was to administer.

There was a weakness in the system devised by the Hague Conference. It was that arbitration of these justiciable questions was not made obligatory, so that

no nation could bring another before the Court unless the defendant was willing to come, and there was no way to enforce a judgment.

But the public opinion of the world grew. Nations began to make obligatory treaties of arbitration with one another. Hundreds of such treaties were made. The United States made some thirty such treaties with most of the principal countries in the world, agreeing absolutely to arbitrate questions arising under international law and upon the interpretation of treaties. A strong opinion arose in favor of establishing an International Court composed of judges who would devote their entire time to the business of the Court. The Second Hague Conference adopted a plan for such a court, and while Mr. Knox was Secretary of State, he negotiated a treaty with the other great powers for its effective establishment. It became evident that the world was ready for obligatory arbitration of justiciable questions.

After the Great War began, the American "League to Enforce Peace," at the head of which are Mr. Taft and Mr. Lowell, made the first plank in its platform that "All justiciable questions arising between the signatory powers not settled by negotiation shall—subject to the limitation of treaties—be submitted to a judicial tribunal for hearing and judgment, etc., etc."

A similar group in Great Britain, of which Lord Bryce was a leading spirit, made the first plank in its platform the following:

"The signatory Powers to agree to refer to the existing Permanent Court of Arbitration at the Hague, or to the Court of Arbitral Justice proposed at the Second Hague Conference, if and when such Court shall be established, or to some other Arbitral Tri-

bunal, all disputes between them (including those affecting honor and vital interests) which are of a justiciable character, and which the Powers concerned have failed to settle by diplomatic methods."

And both of these groups proposed to provide for enforcing the judgments of the Court by economic pressure or by force.

The other class of disputes which give rise to war consists of clashes between conflicting national policies, as distinguished from claims of legal right. They do not depend upon questions of law or treaty, but upon one nation or ruler undertaking to do something that another nation or ruler wishes to prevent. Such questions are a part of international politics. They are similar to the questions as to which our courts say, "This is a political question, not a judicial question, and we have no concern with it." The question whether Russia should help Serbia when Austria invaded Serbia in July, 1914, is an illustration. Our own Monroe Doctrine is another illustration. That is not an assertion of any legal right, but it is a declaration that certain acts will be regarded as dangerous to the peace and safety of the United States, and therefore unfriendly.

Such questions are continually arising in Europe and the Near East, and the way in which the European countries have been in the habit of dealing with them has been to bring about a conference of the representatives of the different nations to discuss the subject, and find some way of reconciling the differences, or of convincing the parties to the dispute that it would not be safe for them to break the peace. For example, in 1905, when the German Emperor's dramatic challenge of the policy of France as to Morocco had made war

seem probable, the Algeciras Conference was brought about largely by the influence of President Roosevelt, and that conference resulted in preventing war. In 1912, when the Balkan wars had brought Europe apparently to the verge of universal war, the ambassadors of all the great Powers met in London, and the result of their conference was to avert war. So, in the last week of July, 1914, Sir Edward Grey tried to bring about another conference for the purpose of averting the Great War in which we have been engaged, but Germany refused to attend the conference; and she refused because she meant to bring on the war, and knew that if she attended a conference it would become practically impossible for her to do so.

The weak point about this practice of International Conferences in times of danger was that they were left solely to the initiative of the individual nations; that nobody had a right to call a conference, and nobody was bound to attend one.

The great and essential thing about the plan contained in this "Constitution for a League of Nations" is that it makes international conferences on political questions compulsory in times of danger; that it brings together such conferences upon the call of officers who represent all the powers, and makes it practically impossible for any nation to keep out of them. This effect is produced by the provisions of Article XV, relating to the submission of disputes to the Executive Council of the League or upon demand of either party to the body of delegates. Article XV is the central and controlling article of the agreement. Putting out of consideration for the moment Article X, which relates to a mutual guaranty of territory, Articles VIII and IX, which relate to the reduction of



armaments, and Article XIX, which relates to mandatories, all the other important articles in the agreement are designed to make effective the conference of the Powers resulting from the submission of a dispute upon a question of policy under Article XV. Especially important among these ancillary articles is Article XI, which declares war or threat of war to be a matter of concern to the whole League, Article XII, which prohibits going to war without the submission of the dispute and without allowing time for its settlement, or contrary to a unanimous recommendation of the Executive Council or an award of arbitrators (if there shall have been an arbitration), and Article XVI, which provides for enforcing the provisions of Article XII by economic boycott, or, should the Powers choose to do so, by military force. I think these provisions are well devised, and should be regarded as free from any just objection, so far as they relate to the settlement of the political questions at which they are really aimed. The provisions which taken together accomplish this result are of the highest value. They are developed naturally from the international practice of the past. They are a great step forward. They create an institution through which the public opinion of mankind, condemning unjust aggression and unnecessary war, may receive, effect, and exert its power for the preservation of peace, instead of being dissipated in fruitless protest or lamentation. The effect will be to make the sort of conference which Sir Edward Grey tried in vain to get for the purpose of averting this Great War obligatory, inevitable, automatic. I think everybody ought to be in favor of that.

I repeat that this scheme for the settlement of political questions such as brought about the present

war is of very great practical value, and it would be a sad thing if this opportunity for the establishment of such a safeguard against future wars should be lost.

This plan of automatic conference, however, is accompanied by serious defects.

The scheme practically abandons all effort to promote or maintain anything like a system of international law, or a system of arbitration, or of judicial settlement, through which a nation can assert its legal rights in lieu of war. It is true that Article XIII mentions arbitration, and makes the parties agree that whenever a dispute arises "which they recognize to be suitable for submission to arbitration," they will submit it to a court "agreed upon by the parties." That, however, is merely an agreement to arbitrate when the parties choose to arbitrate, and it is therefore no agreement at all. It puts the whole subject of arbitration back where it was twenty-five years ago. Instead of perfecting and putting teeth into the system of arbitration provided for by the Hague conventions, it throws those conventions upon the scrap heap. By covering the ground of arbitration and prescribing a new test of obligation, it apparently by virtue of the provisions of Article XXV abrogates all the two hundred treaties of arbitration by which the nations of the world have bound themselves with each other to submit to arbitration all questions arising under international law, or upon the interpretation of treaties.

It is to be observed that neither the Executive Council nor the body of delegates to whom disputes are to be submitted under Article XV of the agreement, is in any sense whatever a judicial body or an arbitral body. Its function is not to decide upon anybody's right. It is to investigate, to consider, and to make

recommendations. It is bound to recommend what it deems to be expedient at the time. It is the states which act, and not the individuals. The honorable obligation of each member is a political obligation as the representative of a state. This is a method very admirable for dealing with political questions; but it is wholly unsuited to the determination of questions of right under the law of nations. It is true also that Article XIV mentions a Court of International Justice, and provides that the Executive Council should formulate plans for such a court, and that this court shall when established be competent to determine matters which the parties recognize as suitable for submission to it. There is no agreement or direction that such a court shall be established or that any questions shall be submitted to it.

International law is not mentioned at all, except in the preamble, no method is provided, and no purpose is expressed to insist upon obedience to law to develop the law, to press forward agreement upon its rules and recognition of its obligations. All questions of right are relegated to the investigation and recommendation of a political body to be determined as matters of expediency.

I confess I cannot see the judgment of three generations of the wisest and best of American statesmen concurred in by the wisest and the best of all our Allies thus held for naught. I believe with them that—necessary as may be the settlement of political questions upon grounds of expediency—it is also necessary to insist upon rules of international conduct founded upon principles, and that the true method by which public right shall be established to control the affairs of nations is by the development of law, and the

enforcement of law, according to the judgments of impartial tribunals. I should have little confidence in the growth or permanence of an international organization which applied no test to the conduct of nations except the expediency of the moment.

The first change which I should make in this agreement, accordingly, would be to give effectiveness to the judicial settlement of international disputes upon questions of right—upon justiciable or judicial questions—by making the arbitration of such questions obligatory under the system established by the Hague Conference, or before the proposed Court of Arbitral Justice, or, if the parties prefer in any particular case, before some specially constituted tribunal; putting the whole world upon the same footing in that respect that has been created between the United States and practically every nation now represented in Paris, by means of the special treaties which we have made with them. The term “Justiciable Questions” should be carefully defined, so as to exclude all questions of policy, and to describe the same kind of questions the Supreme Court of the United States has been deciding for more than a century.

When that is done, the reference to arbitration in Article XII will have some force and effect instead of being as it is now a mere idle form.

The second change which I think should be made is to provide for a general conference followed by regular conferences at stated intervals to discuss, agree upon, and state in authentic form the rules of international law, so that the development of law may go on, and arbitral tribunals may have continually a more perfect system of rules of right conduct to apply in their decisions.



I send you herewith drafts of two suggested amendments designed to accomplish these results.

The distinction between the treatment of questions of legal right and questions of policy which I have drawn above has an important bearing upon the attitude of the United States toward the settlement of disputes.

So far the determination of justiciable questions arising under the law of nations or under treaties is concerned, we ought to be willing to stand on precisely the same footing with all other nations. We should be willing to submit our legal rights to judicial decision, and to abide by the decision. We have shown that we are willing to do that by the numerous treaties that we have made with the greater part of the world agreeing to do that, and we should be willing to have the same thing provided for in this general agreement.

With regard to questions of policy, however, some different considerations are apparent.

In determining the extent of our participation in the political affairs of the Old World, we ought to be satisfied that a sufficient affirmative reason exists for setting aside to that extent the long-established policy of the United States to keep the Old and the New World from becoming entangled in each other's affairs and embroiled in each other's quarrels. Just so far as such a reason exists, we ought to go, but no further.

We have to start in the consideration of such a subject with the words of Washington's farewell address: "Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by

artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities." And Jefferson's advice to Monroe: "Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second never to suffer Europe to intermeddle with cis-Atlantic affairs."

Unquestionably, the Old and the New World have come into much more intimate relations since the time of Washington and Jefferson, and they have many more interests in common. Nevertheless, the basis of the expressions I have quoted remains in substance. The people of the United States have no direct interest in the distribution of territory in the Balkans or the control of Morocco, and the peoples of Europe have no direct interest in the questions between Chile and Peru, or between the United States and Colombia. Based upon this fact, the Monroe Doctrine has hitherto kept the Old World and the New in two separate fireproof compartments, so that a conflagration in one did not extend to the other. There never was a time when the wisdom of the Monroe Doctrine for the preservation of peace and safety of the United States was more evident than it is now. Some facile writers of late have pronounced the Doctrine obsolete and useless, but I know of no experienced and responsible American statesman who has ever taken that view, and I cannot help feeling that such a view results from insufficient acquaintance with the subject.

There has, however, arisen in these days for the American people a powerful secondary interest in the affairs of Europe coming from the fact that war in Europe and the Near East threatens to involve the entire world, and the peaceable nations of Europe

need outside help to put out the fire, and keep it from starting again. That help to preserve peace we ought to give, and that help we wish to give. In agreeing to give it, the following considerations should be observed.

We are not asking, and do not need any help from the nations of the Old World for the preservation of peace in America, nor is any American nation asking for such help. The difficulties, the disturbing conditions, the dangers that threaten, are all in the affairs of Europe and the Near East. The real reason for creating a League of Nations is to deal with those difficulties and dangers—not with American affairs. It is, therefore, wholly unnecessary for the purpose of the League that purely American affairs should be included within the scope of the agreement.

When we enter into the League of Nations, we do so not with any desire to interfere in the concerns of foreign nations, but because the peaceable nations of Europe ask us to put our power behind theirs to preserve peace in their part of the world. It is not reasonable, therefore, that such participation as we agree to in the activities of the League should be made the basis of an inference that we are trying to interfere in the Old World, and therefore should abandon our objection to having the Old World interfere in America.

With reference to the most important American questions, Europe as a whole on one side and the United States on the other occupy positions which however friendly are nevertheless in opposition. It must be remembered that the League of Nations contemplates the membership not only of our present Allies but ultimately of all the nations of Europe. Now, the Monroe Doctrine was declared against those

nations of Europe. It was a warning to them not to trespass on American territory, and, admitting exceptions and speaking only in the most general way, the nations of Europe are on one side of that question and the United States is on the other. To submit the policy of Monroe to a council composed chiefly of European powers is to surrender it.

I will add—without taking up space to discuss it—that I cannot escape the conclusion that to ratify this agreement as it now stands would itself be a surrender of the Monroe Doctrine, and that the agreement as it now stands gives to the United States no effective substitute for the protection which the maintenance of that Doctrine affords.

The same thing is true of immigration. The nations of Europe in general are nations from which emigrants go. The United States is a nation to which immigrants come. Apart from Great Britain which would be bound to look after the similar interests of Canada and Australia, Europe and America are bound to look at questions of emigration and immigration from different points of view, and under the influence of different interests—friendly, indeed, but opposing.

It hardly seems reasonable that under these circumstances the United States should be penalized for complying with the request of its friends in Europe to join them in the preservation of peace primarily for their benefit, and not for ours, by giving up our right to self-protection, when that is wholly unnecessary to accomplish the object of the agreement. I think, therefore, that these purely American questions ought to be excepted from the jurisdiction of the Executive Council and body of delegates, and I have prepared



and annexed hereto a third amendment in the form of a reservation, this being the method which was followed without any objection to accomplish the same purpose at the close of both the Hague conferences.

The fourth point upon which I think there should be an amendment is Article X, which contains the undertaking "To respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League."

Looking at this article as a part of a perpetual League for the Preservation of Peace, my first impression was that the whole article ought to be stricken out. If perpetual, it would be an attempt to preserve for all time unchanged the distribution of power and territory made in accordance with the views and exigencies of the Allies in this present juncture of affairs. It would necessarily be futile. It would be what was attempted by the Peace of Westphalia at the close of the Thirty Years' War, at the Congress of Vienna at the close of the Napoleonic Wars, by the Congress of Berlin in 1878. It would not only be futile; it would be mischievous. Change and growth are the law of life, and no generation can impose its will in regard to the growth of nations and the distribution of power upon succeeding generations.

I think, however, that this article must be considered not merely with reference to the future, but with reference to the present situation in Europe. Indeed, this whole agreement ought to be considered in that double aspect. The belligerent power of Germany, Austria, Bulgaria, and Turkey has been destroyed; but that will not lead to future peace without a reconstruction of Eastern Europe and Western Asia. The

vast territories of the Hohenzollerns, the Hapsburgs, and the Romanoffs have lost the rulers who formerly kept the population in order, and are filled with turbulent masses without stable government, unaccustomed to self-control and fighting among themselves like children of the dragon's teeth. There can be no settled peace until these masses are reduced to order. Since the Bolsheviki have been allowed to consolidate the control which they established with German aid in Russia, the situation is that Great Britain, France, Italy, and Belgium, with a population of less than 130,000,000, are confronted with the disorganized but vigorous and warlike population of Germany, German-Austria, Hungary, Bulgaria, Turkey, and Russia, amounting approximately to 280,000,000, fast returning to barbarism and the lawless violence of barbarous races. Order must be restored. The Allied nations in their council must determine the lines of reconstruction. Their determinations must be enforced. They may make mistakes, doubtless they will; but there must be decision, and decision must be enforced. Under these conditions, the United States cannot quit. It must go on to the performance of its duty, and the immediate aspect of Article X is an agreement to do that. I think, therefore, that Article X should be amended, so that it shall hold a limited time, and thereafter any member may withdraw from it. I annex an amendment to that effect.

The fifth amendment which I think is needed is one suggested by M. Bourgeois in his speech at the Conference, which I have quoted above. It is to the provisions regarding the limitation of armaments. The success of those provisions is vital. If they are not effective, the whole effort to secure future peace goes

for nothing. The plan of this League is contained in Articles VIII and IX. They provide that there shall be a reduction of national armaments to the lowest point consistent with national safety, that the Executive Council shall formulate plans for a general agreement as to the amount of these reductions, and that when an agreement has been made by the powers the parties will not conceal from each other, but will give full and frank information regarding their industries capable of being adapted to warlike purposes, the scale of their armaments, and their military and naval programs. Article IX provides for a permanent commission to advise the League on the execution of these provisions. This full information is essential. Otherwise, one nation will suspect another of secret preparation, and will prepare to protect itself in the same way, so that the whole scheme of limitation will be destroyed. There would be some justification for this, because there are some nations of whom it would be idle to expect the truth on such a subject; their public officers would regard it as a duty to conceal and mislead. The only way to prevent that sort of thing is by giving the Permanent Commission power of inspection and verification. Every country should assent to this just as every trustee and treasurer is willing to have an independent audit of his accounts.

I annex such an amendment.

Enough has been said already to indicate that this Constitution of a League of Peace cannot be regarded as a final and conclusive instrument. It necessarily leaves much to be determined hereafter. We do not know yet what nations are to be the members of the League, what nations are to be represented in the Council, what the limitations of armaments, what the

regulations for the manufacture of munitions, or what the parties understand to be the scope of the provision for freedom of transit and equitable treatment for commerce.

The provision of Article XIX (of which I fully approve) relating to mandatories to aid or take charge of administration in new states and old colonies necessarily leaves both the selection of the mandatories and the character of their powers and duties unsettled. All these uncertainties are not matters for criticism, but of necessity, arising from the situation. Still more important is the fact that no one knows when or upon what terms the Central and Eastern powers are to be admitted to the League. The whole agreement is at present necessarily tentative. It cannot really be a League of Peace in operation for a number of years to come. It is now and in the immediate future must be rather an alliance of approximately one-half of the active world against or for the control of the other half. Under these circumstances it would be most unwise to attempt to give to this agreement finality, and make the specific obligations of its members irrevocable. There should be provision for its revision in a calmer atmosphere, and when the world is less subject to exciting and disturbing causes. In the meantime the agreement should not be deemed irrevocable. The last amendment which I annex is directed to that end.

If the amendments which I have suggested are made, I think it will be the clear duty of the United States to enter into the agreement.

In that case it would be the duty of Congress to establish by law the officers of representatives of the United States in the body of delegates and the Execu-



tive Council, just as the offices of ambassadors and ministers are already provided for by law, and the new offices would be filled by appointment of the President with the advice and consent of the Senate under Article III, Section 2, of the Constitution of the United States.

Very truly yours,

ELIHU ROOT

The six amendments which Mr. Root suggests to the Constitution of the League of Nations, and to which he refers in his letter, are as follows:

#### FIRST AMENDMENT

Strike out Article XIII and insert the following:

The high contracting powers agree to refer to the existing Permanent Court of Arbitration at the Hague, or to the Court of Arbitral Justice proposed at the Second Hague Conference when established, or to some other Arbitral Tribunal, all disputes between them (including those affecting honor and vital interests) which are of a justiciable character, and which the powers concerned have failed to settle by diplomatic methods. The powers so referring to arbitration agree to accept and give effect to the award of the Tribunal.

Disputes of a justiciable character are defined as disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the nature and extent of the reparation to be made for any such breach.

Any question which may arise as to whether a dispute is of a justiciable character is to be referred for decision to the Court of Arbitral Justice when constituted, or, until it is constituted, to the existing Permanent Court of Arbitration at the Hague.

## SECOND AMENDMENT

Add to Article XIV the following paragraph:

The Executive Council shall call a general conference of the Powers to meet not less than two years or more than five years after the signing of this convention for the purpose of reviewing the condition of international law, and of agreeing upon and stating in authoritative form the principles and rules thereof.

Thereafter regular conferences for that purpose shall be called and held at stated times.

## THIRD AMENDMENT

Immediately before the signature of the American delegates, insert the following reservation:

Inasmuch as in becoming a member of the League the United States of America is moved by no interest or wish to intrude upon or interfere with the political policy or internal administration of any foreign state, and by no existing or anticipated dangers in the affairs of the American continents, but accedes to the wish of the European states that it shall join its power to theirs for the preservation of general peace, the representatives of the United States of America sign this convention with the understanding that nothing therein contained shall be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions, or to require the submission of its policy regarding such questions (including therein the admission of immigrants), to the decision or recommendation of other powers.

## FOURTH AMENDMENT

Add to Article X the following:

After the expiration of five years from the signing of this convention any party may terminate its obligation under this Article by giving one year's notice in writing to the Secretary General of the League.

## FIFTH AMENDMENT

Add to Article IX the following:

Such Commission shall have full power of inspection and verification personally and by authorized agents as to all armament, equipment, munitions, and industries referred to in Article VIII.

## SIXTH AMENDMENT

Add to Article XIV the following:

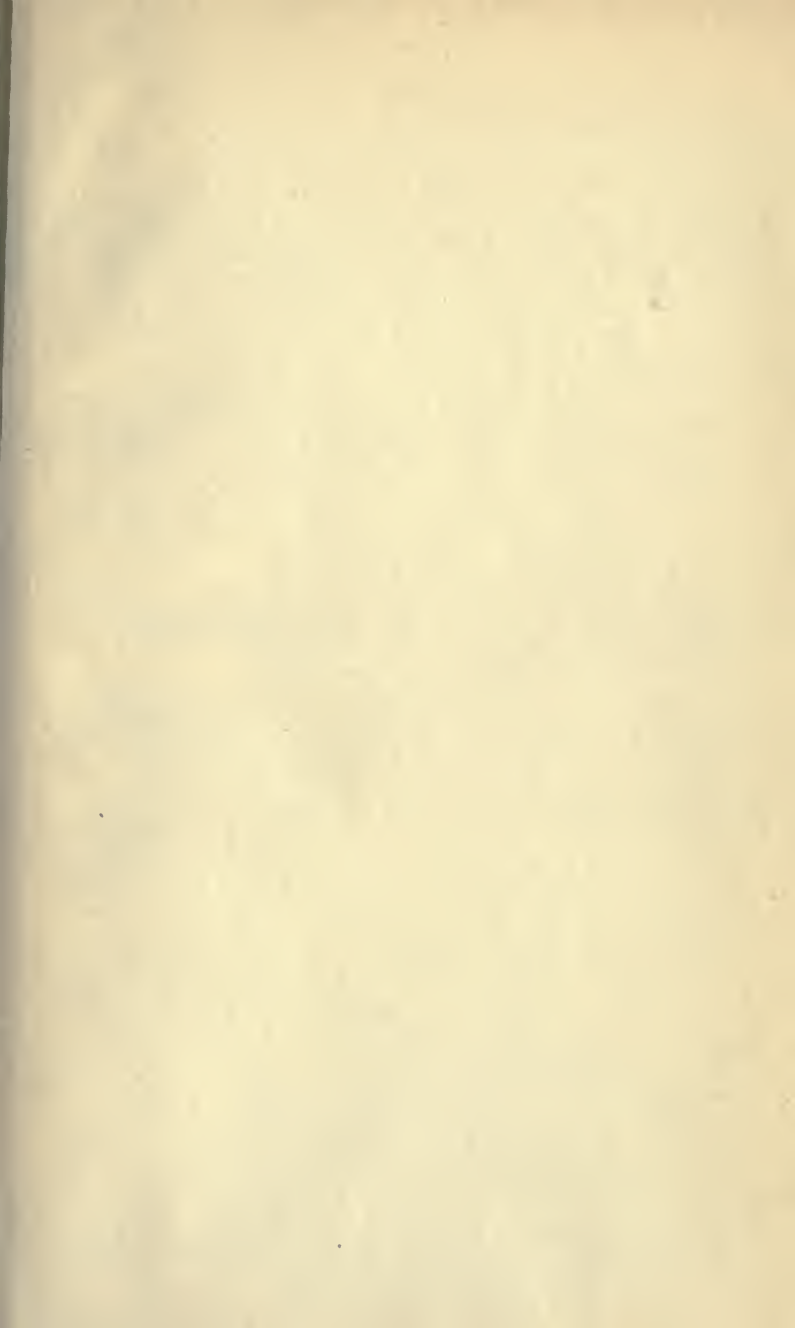
The Executive Council shall call a general conference of members of the League to meet not less than five or more than ten years after the signing of this convention for the revision thereof, and at that time, or at any time thereafter, upon one year's notice, any member may withdraw from the League.

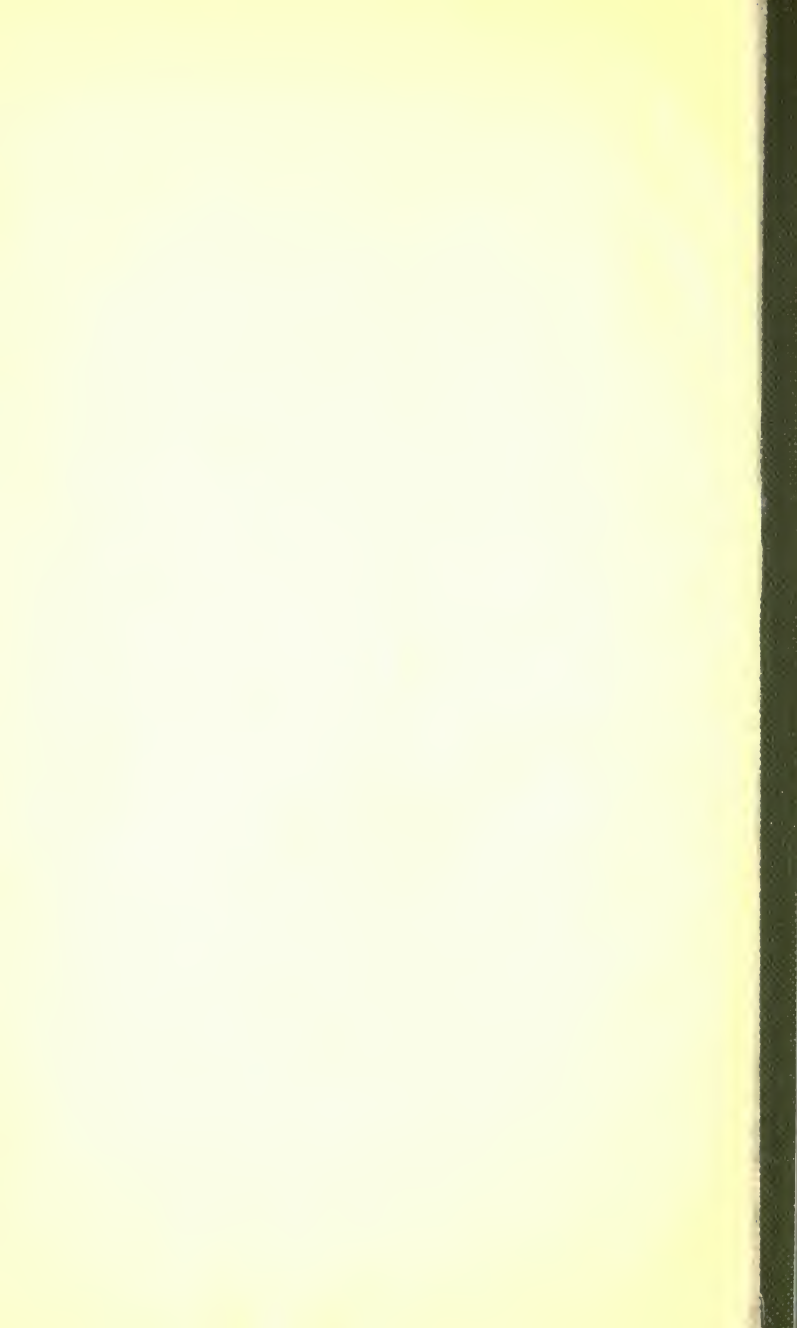














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